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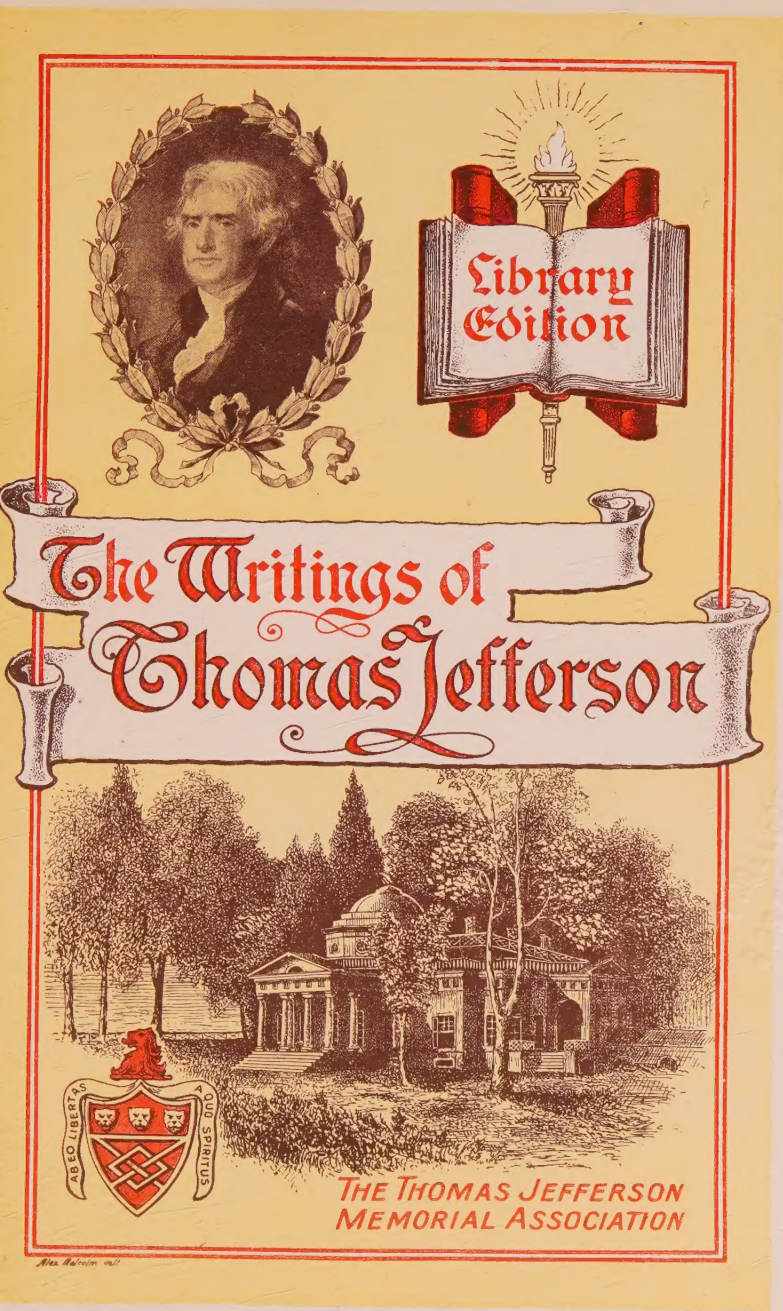
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The Writings of Thomas Jefferson
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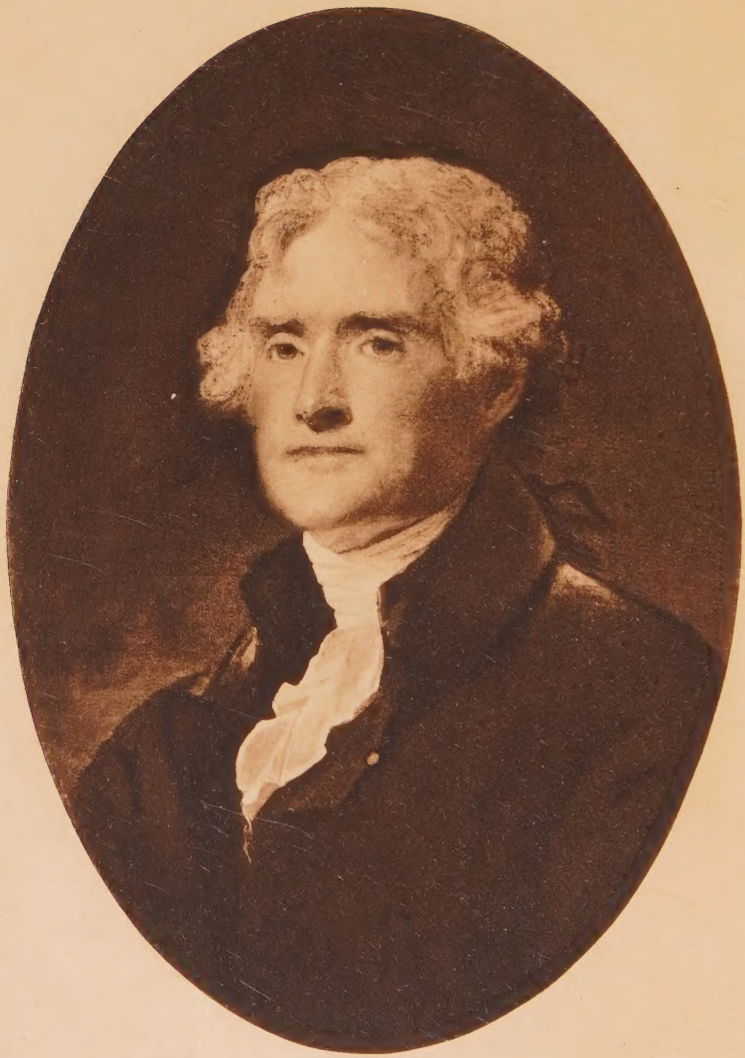

Th. Jefferson

THE WRITINGS OF
THOMAS JEFFERSON

Library Edition

CONTAINING HIS

AUTOBIOGRAPHY, NOTES ON VIRGINIA, PARLIAMENTARY MANUAL, OFFICIAL PAPERS, MESSAGES AND ADDRESSES, AND OTHER WRITINGS, OFFICIAL AND PRIVATE, NOW COLLECTED AND

PUBLISHED IN THEIR ENTIRETY FOR THE FIRST TIME

INCLUDING

ALL OF THE ORIGINAL MANUSCRIPTS, DEPOSITED IN THE DEPARTMENT OF STATE AND PUBLISHED IN 1853 BY ORDER OF THE JOINT COMMITTEE OF CONGRESS

WITH NUMEROUS ILLUSTRATIONS

AND

A COMPREHENSIVE ANALYTICAL INDEX

ANDREW A. LIPSCOMB, *Chairman Board of Governors*
EDITOR-IN-CHIEF

ALBERT ELLERY BERGH
MANAGING EDITOR

VOL. I.

ISSUED UNDER THE AUSPICES OF

THE THOMAS JEFFERSON MEMORIAL ASSOCIATION
OF THE UNITED STATES

WASHINGTON, D. C.

1903

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SPECIAL INTRODUCTION.

If we want a sure proof of Thomas Jefferson's greatness it will be found in the fact that men of every variety of political opinion, however far asunder, find confirmation of their doctrine in him. Every party in this country to-day reckons Jefferson as its patron saint. In my youth the political Abolitionists made appeals to Jefferson the burden of their song. In the late discussion, which rent the country, about the Philippine Islands, one side quoted what Mr. Jefferson said in the Declaration of Independence, and the other what they thought he did, in the acquisition of Louisiana. I do not know of any other American of whom this is true, unless it be that the different schools of theology and ethics seem inclined to do the same thing just now as to Ralph Waldo Emerson.

I can think of no other man in history, like Jefferson, leader as he was of two Revolutions and founder of a political party; one of which accomplished the independence of his country from a foreign yoke, the other overthrew by peaceful means the party at home which had been founded by Washington, and his great companions and counselors, of whom such a thing as this can be said. Every political sect finds its political doctrine in Jefferson, almost as every

religious sect finds its doctrine in the Saviour of mankind.

The friend of State rights calls attention to the fact that Jefferson spoke of the Government of the United States as the "agency at Washington." The Abolitionists quote the great Declaration and his famous utterance against slavery: "I tremble for my country, when I reflect that God is just." The supporter of a protective tariff claims him as the highest protectionist in our history, appealing to his desire that there might be a "wall around our country which should keep out all foreign manufactures." The free trader maintains that the spirit of everything he said and everything he did teaches the doctrine of unlimited freedom in all human conduct, except so far as may be needful for the restraint of actual crime.

The mighty figure of Thomas Jefferson comes down in history with the Declaration of Independence in one hand, and the title deed of Louisiana in the other. He acquired for his country a territory of 1,171,931 square miles, now fifteen States, to be hereafter the seat and centre of empire certainly of this continent, and, as we confidently believe, of the world. Yet I believe, in the estimate of mankind, that achievement is insignificant compared with the other.

The author of the Declaration of Independence stands in human history as the foremost man who ever lived, whose influence has led men to govern themselves in the conduct of States by spiritual laws. That was Jefferson's mission—to teach spiritual

laws. Observe that I say spiritual laws, not spiritual truths merely, not formulæ to be assented to, but rules of life to be governed by and acted upon.

It was due to Jefferson that our fathers laid deep the foundation of the State in the moral law. They first set to mankind the great example, and exhibited the mighty spectacle—the sublimest spectacle in the universe—of a great and free people voluntarily governing itself by a law higher than its own desire.

The doctrine of the Declaration was by no means new or original. Much of it is to be found in the prose writings of Milton. More than a hundred years before Milton said: "No man who knows aught, can be so stupid as to deny that all men were naturally born free; born to command and not to obey. They agreed by common league to bind each other from mutual injury and jointly to defend themselves against any that gave disturbance or opposition to such agreement. Hence came cities, towns and commonwealths. This authority and power being originally and naturally in every one of them, and unitedly in them all, they communicated and derived to one or more than one. The first was called a king; the others magistrates. Not to be their Lords and Masters, but to be their deputies and commissioners. It follows that since the king or magistrate holds his authority of the people, for their good in the first place, and not his own, then may the people as oft as they shall judge it for the best either choose him or reject him, retain him or depose him,

though no tyrant, merely by the liberty and right of free-born men to be governed as seems to them best.

"That governors are not lightly to be changed is true with respect to the people's prudence, not to be the king's right.

"Nature teaches us to bear with oppression so long as there is a necessity for so doing.

"What the people may lawfully do against a tyrant no man of clear judgment need go further to be guided than by the very principles of nature in man."

Jefferson's Declaration ended by the declaration that, as our British brethren had been deaf to the voice of justice and consanguinity, we must acquiesce in the necessity that denounces our separation, and hold them as we hold the rest of mankind, enemies in war; in peace, friends.

Milton thus ends his lofty affirmation:

"He therefore that keeps peace with me near or remote, of whatever nation, is to me as far as all civil and human offices an Englishman and a neighbor, but if an Englishman forgetting all laws, human, civil and religious, offend against life and liberty, to him offended and to the law in his behalf, he is not better than a Turk, a Saracen, a heathen."

If we are to trust abundant tradition, indeed if we are to take Jefferson's evidence, found in the correspondence where he poured out his heart to his intimate friends, he was by no means free from the faults common to his time—common to humanity in all time. He was no hypocrite. He made no

pretense to be a saint. He liked political power and popularity. He had a natural and honorable aspiration for the affection and good will of his countrymen. He probably would not have said of himself as Washington did, that he never said of a man what he would not say to him. But more than any other statesman down to his time—more than any other statesman I can think of—save Lincoln alone—he had a steadfast and abiding faith in justice, righteousness and liberty as the prevailing and abiding forces in the conduct of States, and that justice and righteousness were sure to prevail where any people bear rule in perfect liberty. He accepted this doctrine with an unhesitating confidence. He never failed to proclaim it on all occasions. For it he was ready to encounter unpopularity, poverty, if need be, imprisonment and exile. Upon it, as on a cornerstone, he laid the foundation of the Republic.

He was sometimes charged with dissimulation in the conduct of ordinary politics. I think it will be found, on thorough investigation, that that notion took its rise from the sweet and kindly courtesy, and the affectionate nature which liked to be on good terms with every human being. But however that might be, he never failed to utter his opinion where freedom and justice were concerned whoever might be hurt or whoever might be angered. In the midst of slaveholding Virginia he was wont to speak of the cause of the abolition of slavery as "the sacred side" and to say that he looked to the young for its accomplishment.

So far as appears, he took little pride in anything else that he accomplished in his long life, great as were his other services to his country. He was Secretary of State. He was Governor of Virginia. He was Minister to France. He was Vice-President. He was President. He acquired Louisiana. Yet, when he gave direction for his own epitaph, he cared to have none of these things remembered. The simple inscription on his tomb at Monticello sums up in his language as no other orator can, the character and career of Thomas Jefferson.

"Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the Statute of Virginia for religious freedom, and father of the University of Virginia."

Political freedom, religious freedom, and the education that makes these possible and safe were the ends for which he strove, the monuments by which he desired to be remembered. Neither power, nor honor, nor office, nor popularity, nor fame entered into the mighty heart or stirred that mighty soul.

I remember in my youth that a brilliant writer undertook with some success to caricature Daniel Webster, although it was a rather audacious attempt. He represents Mr. Webster as saying: "The common opinion in the eastern hemisphere is so and so—I differ from this eastern hemisphere." That was not so unreasonable a thing for Daniel Webster to say. But if Thomas Jefferson had said it it would occur to no man that it was either extrava-

gant or presumptuous. Thomas Jefferson was one of those men who can differ from hemispheres, from generations, from administrations and from centuries with the perfect assurance that on any question of liberty and righteousness, if the opinion of Thomas Jefferson stand on one side and the opinion of mankind on the other, the world will, in the end, come around to his way of thinking.

The American people, favored beyond any other in many things, is favored especially in its great anniversaries. There is no other nation that celebrates such things as we do. There is no other nation that has such things to celebrate. The landing of the Pilgrims; the Fourth of July; the Nineteenth of April; the Birthday of Washington; the Birthday of Lincoln; the Birthday of Jefferson, and, I hope hereafter, the founding of the Northwest and the Louisiana Treaty—these are not only great events in the history of our own people, but they are great events in the history of liberty. I have named eight. Six of them are already established holidays, either by law, or in a habit of the people powerful as law. Three of those—one of them perhaps the foremost and most generally observed of all—belong not only to the history of the country and of universal liberty, but to the life of Thomas Jefferson.

LINCOLN'S TRIBUTE TO JEFFERSON.

To H. L. Pierce and Others.

Springfield, Ill., April 6, 1859.

Gentlemen:—Your kind note inviting me to attend a festival in Boston, on the 28th instant, in honor of the birthday of Thomas Jefferson, was duly received. My engagements are such that I cannot come.

Bearing in mind that about seventy years ago two great political parties were first formed in this country, that Thomas Jefferson was the head of one of them and Boston the headquarters of the other, it is both curious and interesting that those supposed to descend politically from the party opposed to Jefferson should now be celebrating his birthday in their own original seat and empire, while those claiming political descent from him have nearly ceased to breathe his name everywhere.

Remembering, too, that the Jefferson party formed upon the supposed superior devotion to the personal rights of men, holding the rights of property to be secondary only and greatly inferior, and assuming that the so called Democracy of to-day are the Jefferson, and their opponents the anti-Jefferson party. it will be equally interesting to note

how completely the two have changed hands as to the principle upon which they were originally supposed to be divided. The Democracy of to-day hold the liberty of one man to be absolutely nothing, when in conflict with another man's right of property; Republicans, on the contrary, are for both the man and the dollar, but in case of conflict the man before the dollar.

I remember being very much amused at seeing two partially intoxicated men engaged in a fight with their great-coats on, which fight, after a long and rather harmless contest, ended in each having fought himself out of his own coat and into that of the other. If the two leading parties of this day are really identical with the two in the days of Jefferson and Adams they have performed the same feat as the two drunken men.

But soberly, it is now no child's play to save the principles of Jefferson from total overthrow in this nation. One would state with great confidence that he could convince any sane child that the simpler propositions of Euclid are true, but nevertheless he would fail, utterly, with one who should deny the definitions and axioms.

The principles of Jefferson are the definitions and axioms of free society and yet they are denied and evaded, with no small show of success. One dashingly calls them "glittering generalities." Another bluntly calls them "self-evident lies" and others insidiously argue that they apply to "superior

races." These expressions, differing in form, are identical in object and effect—the supplanting the principles of free government, and restoring those of classification, caste, and legitimacy. They would delight a convocation of crowned heads plotting against the people. They are the vanguard, the miners and sappers of returning despotism. We must repulse them, or they will subjugate us. This is a world of compensation; and he who would be no slave must consent to have no slave. Those who deny freedom to others deserve it not for themselves, and, under a just God, cannot long retain it. *All honor to Jefferson—to the man, who in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecaste, and sagacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so embalm it there that to-day and in all coming days it shall be a rebuke and a stumbling-block to the very harbingers of reappearing tyranny and oppression.*

Your obedient servant,

A. Lincoln.

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AUTOBIOGRAPHY.

INTRODUCTORY NOTE.

In the arrangement which has been adopted, the first part of this volume comprises the Autobiography with Appendix. The Autobiography extends to the 21st of March, 1790, when Mr. Jefferson arrived in New York to enter upon the duties of the Department of State, and embraces a variety of important subjects, such as the rise and progress of the difficulties between Great Britain and her North American Colonies—the circumstances connected with the Declaration of Independence—the debates in Congress upon the adoption thereof, as reduced to writing by Mr. Jefferson at the time—the history of the Articles of Confederation—early stages of the French Revolution—revision of the Penal Code of Virginia—abolition of her laws of Primogeniture—overthrow of her Church Establishment—Act of Religious Freedom, etc.—all matter interesting in itself, but rendered particularly so by the fact that it comes from one who was himself a chief actor in the scenes which he describes.

JEFFERSON'S WORKS.

AUTOBIOGRAPHY, WITH APPENDIX.

JANUARY 6, 1821. At the age of 77, I begin to make some memoranda, and state some recollections of dates and facts concerning myself, for my own more ready reference, and for the information of my family.

The tradition in my father's family was, that their ancestor came to this country from Wales, and from near the mountain of Snowdon, the highest in Great Britain. I noted once a case from Wales, in the law reports, where a person of our name was either plaintiff or defendant; and one of the same name was secretary to the Virginia Company. These are the only instances in which I have met with the name in that country. I have found it in our early records; but the first particular information I have of any ancestor was of my grandfather, who lived at the place in Chesterfield called Ozborne's, and owned the lands afterwards the glebe of the parish. He had three sons; Thomas who died young, Field who settled on the waters of Roanoke and left numerous descendants, and Peter, my father, who settled on

the lands I still own, called Shadwell, adjoining my present residence. He was born February 29, 1707–8, and intermarried 1739, with Jane Randolph, of the age of 19, daughter of Isham Randolph, one of the seven sons of that name and family, settled at Dungeoness in Goochland. They trace their pedigree far back in England and Scotland, to which let every one ascribe the faith and merit he chooses.

My father's education had been quite neglected; but being of a strong mind, sound judgment, and eager after information, he read much and improved himself, insomuch that he was chosen, with Joshua Fry, Professor of Mathematics in William and Mary college, to continue the boundary line between Virginia and North Carolina, which had been begun by Colonel Byrd; and was afterwards employed with the same Mr. Fry, to make the first map of Virginia which had ever been made, that of Captain Smith being merely a conjectural sketch. They possessed excellent materials for so much of the country as is below the Blue Ridge; little being then known beyond that ridge. He was the third or fourth settler, about the year 1737, of the part of the country in which I live. He died, August 17th, 1757, leaving my mother a widow, who lived till 1776, with six daughters and two sons, myself the elder. To my younger brother he left his estate on James River, called Snowdon, after the supposed birth-place of the family: to myself, the lands on which I was born and live.

He placed me at the English school at five years of age; and at the Latin at nine, where I continued until his death. My teacher, Mr. Douglas, a clergyman from Scotland, with the rudiments of the Latin and Greek languages, taught me the French; and on the death of my father, I went to the Reverend Mr. Maury, a correct classical scholar, with whom I continued two years; and then, to wit, in the spring of 1760, went to William and Mary college, where I continued two years. It was my great good fortune, and what probably fixed the destinies of my life, that Dr. William Small of Scotland, was then Professor of Mathematics, a man profound in most of the useful branches of science, with a happy talent of communication, correct and gentlemanly manners, and an enlarged and liberal mind. He, most happily for me, became soon attached to me, and made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science, and of the system of things in which we are placed. Fortunately, the philosophical chair became vacant soon after my arrival at college, and he was appointed to fill it *per interim:* and he was the first who ever gave, in that college, regular lectures in Ethics, Rhetoric and Belles Lettres. He returned to Europe in 1762, having previously filled up the measure of his goodness to me, by procuring for me, from his most intimate friend, George Wythe, a reception as a student of law, under his direction, and introduced

me to the acquaintance and familiar table of Governor Fauquier, the ablest man who had ever filled that office. With him, and at his table, Dr. Small and Mr. Wythe, his *amici omnium horarum*, and myself, formed a *partie quarrée*, and to the habitual conversations on these occasions I owed much instruction. Mr. Wythe continued to be my faithful and beloved mentor in youth, and my most affectionate friend through life. In 1767, he led me into the practice of the law at the bar of the General court, at which I continued until the Revolution shut up the courts of justice.[1]

In 1769, I became a member of the legislature by the choice of the county in which I live, and so continued until it was closed by the Revolution. I made one effort in that body for the permission of the emancipation of slaves, which was rejected: and indeed, during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits, by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government, to direct all our labors in subservience to her interests, and even to observe a bigoted intolerance for all religions but hers. The difficulties with our representatives were of habit and despair, not of reflection and conviction. Experience soon proved that they could bring their minds to rights, on the first summons of their attention. But the King's Council, which acted as another house

[1 See Appendix, note A.]

of legislature, held their places at will, and were in most humble obedience to that will: the Governor too, who had a negative on our laws, held by the same tenure, and with still greater devotedness to it: and, last of all, the Royal negative closed the last door to every hope of amelioration.

On the 1st of January, 1772, I was married to Martha Skelton, widow of Bathurst Skelton, and daughter of John Wayles, then twenty-three years old. Mr. Wayles was a lawyer of much practice, to which he was introduced more by his great industry, punctuality, and practical readiness, than by eminence in the science of his profession. He was a most agreeable companion, full of pleasantry and good humor, and welcomed in every society. He acquired a handsome fortune, and died in May, 1773, leaving three daughters: the portion which came on that event to Mrs. Jefferson, after the debts should be paid, which were very considerable, was about equal to my own patrimony, and consequently doubled the ease of our circumstances.

When the famous Resolutions of 1765, against the Stamp-act, were proposed, I was yet a student of law in Williamsburg. I attended the debate, however, at the door of the lobby of the House of Burgesses, and heard the splendid display of Mr. Henry's talents as a popular orator. They were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote. Mr. Johnson, a lawyer, and member from

the Northern Neck, seconded the resolutions, and by him the learning and the logic of the case were chiefly maintained. My recollections of these transactions may be seen page 60 of the life of Patrick Henry, by Wirt, to whom I furnished them.

In May, 1769, a meeting of the General Assembly was called by the Governor, Lord Botetourt. I had then become a member; and to that meeting became known the joint resolutions and address of the Lords and Commons, of 1768–9, on the proceedings in Massachusetts. Counter-resolutions, and an address to the King by the House of Burgesses, were agreed to with little opposition, and a spirit manifestly displayed itself of considering the cause of Massachusetts as a common one. The Governor dissolved us: but we met the next day in the Apollo[1] of the Raleigh tavern, formed ourselves into a voluntary convention, drew up articles of association against the use of any merchandise imported from Great Britain, signed and recommended them to the people, repaired to our several counties, and were re-elected without any other exception than of the very few who had declined assent to our proceedings.

Nothing of particular excitement occurring for a considerable time, our countrymen seemed to fall into a state of insensibility to our situation; the duty on tea, not yet repealed, and the declaratory act of a right in the British Parliament to bind us

[1 The name of a public room in the Raleigh.]

by their laws in all cases whatsoever, still suspended over us. But a court of inquiry held in Rhode Island in 1762, with a power to send persons to England to be tried for offences committed here, was considered, at our session of the spring of 1773, as demanding attention. Not thinking our old and leading members up to the point of forwardness and zeal which the times required, Mr. Henry, Richard Henry Lee, Francis L. Lee, Mr. Carr and myself agreed to meet in the evening, in a private room of the Raleigh, to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies, to consider the British claims as a common cause to all, and to produce a unity of action: and, for this purpose, that a committee of correspondence in each colony would be the best instrument for intercommunication: and that their first measure would probably be, to propose a meeting of deputies from every colony, at some central place, who should be charged with the direction of the measures which should be taken by all. We, therefore, drew up the resolutions which may be seen in Wirt, page 87. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend and brother-in-law, then a new member, to whom I wished an opportunity should be given of making known to the house his great

worth and talents. It was so agreed; he moved them, they were agreed to *nem. con.*, and a committee of correspondence appointed, of whom Peyton Randolph, the speaker, was chairman. The Governor (then Lord Dunmore) dissolved us, but the committee met the next day, prepared a circular letter to the speakers of the other colonies, inclosing to each a copy of the resolutions, and left it in charge with their chairman to forward them by expresses.

The origination of these committees of correspondence between the colonies has been since claimed for Massachusetts, and Marshall[1] has given into this error, although the very note of his appendix to which he refers, shows that their establishment was confined to their own towns. This matter will be seen clearly stated in a letter of Samuel Adams Wells to me of April 2nd, 1819, and my answer of May 12th. I was corrected by the letter of Mr. Wells in the information I had given Mr. Wirt, as stated in his note, page 87, that the messengers of Massachusetts and Virginia crossed each other on the way, bearing similar propositions; for Mr. Wells shows that Massachusetts did not adopt the measure, but on the receipt of our proposition, delivered at their next session. Their message, therefore, which passed ours, must have related to something else, for I well remember Peyton Randolph's informing me of the crossing of our messengers.[2]

[1] Life of Washington, vol. ii., p. 151.

[2] See Appendix, note B.]

The next event which excited our sympathies for Massachusetts, was the Boston port bill, by which that port was to be shut up on the 1st of June, 1774. This arrived while we were in session in the spring of that year. The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, three or four other members, whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult on the proper measures, in the council-chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events; and thought that the appointment of a day of general fasting and prayer would be most likely to call up and alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of '55, since which a new generation had grown up. With the help, therefore, of Rushworth, whom we rummaged over for the revolutionary precedents and forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the 1st day of June, on which the port-bill was to commence, for a day of fasting, humiliation, and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of

the King and Parliament to moderation and justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed; and it passed without opposition. The Governor dissolved us, as usual. We retired to the Apollo, as before, agreed to an association, and instructed the committee of correspondence to propose to the corresponding committees of the other colonies, to appoint deputies to meet in Congress at such place, *annually*, as should be convenient, to direct, from time to time, the measures required by the general interest: and we declared that an attack on any one colony, should be considered as an attack on the whole. This was in May. We further recommended to the several counties to elect deputies to meet at Williamsburg, the 1st of August ensuing, to consider the state of the colony, and particularly to appoint delegates to a general Congress, should that measure be acceded to by the committees of correspondence generally. It was acceded to; Philadelphia was appointed for the place, and the 5th of September for the time of meeting. We returned home, and in our several counties invited the clergy to meet assemblies of the people on the 1st of June, to perform the ceremonies of the day, and to address

to them discourses suited to the occasion. The people met generally, with anxiety and alarm in their countenances, and the effect of the day, through the whole colony, was like a shock of electricity, arousing every man, and placing him erect and solidly on his centre. They chose, universally, delegates for the convention. Being elected one for my own county, I prepared a draught of instructions to be given to the delegates whom we should send to the Congress, which I meant to propose at our meeting.[1] In this I took the ground that, from the beginning, I had thought the only one orthodox or tenable, which was, that the relation between Great Britain and these colonies was exactly the same as that of England and Scotland, after the accession of James, and until the union, and the same as her present relations with Hanover, having the same executive chief, but no other necessary political connection; and that our emigration from England to this country gave her no more rights over us, than the emigrations of the Danes and Saxons gave to the present authorities of the mother country, over England. In this doctrine, however, I had never been able to get any one to agree with me but Mr. Wythe. He concurred in it from the first dawn of the question, What was the political relation between us and England? Our other patriots, Randolph, the Lees, Nicholas, Pendleton, stopped at the half-way house of John

[1 See Appendix, note C.]

Dickinson, who admitted that England had a right to regulate our commerce, and to lay duties on it for the purposes of regulation, but not of raising revenue. But for this ground there was no foundation in compact, in any acknowledged principles of colonization, nor in reason: expatriation being a natural right, and acted on as such, by all nations, in all ages. I set out for Williamsburg some days before that appointed for our meeting, but was taken ill of a dysentery on the road, and was unable to proceed. I sent on, therefore, to Williamsburg, two copies of my draught, the one under cover to Peyton Randolph, who I knew would be in the chair of the convention, the other to Patrick Henry. Whether Mr. Henry disapproved the ground taken, or was too lazy to read it (for he was the laziest man in reading I ever knew) I never learned: but he communicated it to nobody. Peyton Randolph informed the convention he had received such a paper from a member, prevented by sickness from offering it in his place, and he laid it on the table for perusal. It was read generally by the members, approved by many, though thought too bold for the present state of things; but they printed it in pamphlet form, under the title of "A Summary View of the Rights of British America." It found its way to England, was taken up by the opposition, interpolated a little by Mr. Burke so as to make it answer opposition purposes, and in that form ran rapidly through several editions. This information

I had from Parson Hurt, who happened at the time to be in London, whither he had gone to receive clerical orders; and I was informed afterwards by Peyton Randolph, that it had procured me the honor of having my name inserted in a long list of proscriptions, enrolled in a bill of attainder commenced in one of the Houses of Parliament, but suppressed in embryo by the hasty step of events, which warned them to be a little cautious. Montague, agent of the House of Burgesses in England, made extracts from the bill, copied the names, and sent them to Peyton Randolph. The names, I think, were about twenty, which he repeated to me, but I recollect those only of Hancock, the two Adamses, Peyton Randolph himself, Patrick Henry, and myself.[1] The convention met on the 1st of August, renewed their association, appointed delegates to the Congress, gave them instructions very temperately and properly expressed, both as to style and matter;[2] and they repaired to Philadelphia at the time appointed. The splendid proceedings of that Congress, at their first session, belong to general history, are known to every one, and need not therefore be noted here. They terminated their session on the 26th of October, to meet again on the 10th of May ensuing. The convention, at their ensuing session of March, '75, approved of the proceedings of Congress, thanked

[1] See Girardin's History of Virginia, Appendix No. 12. note.
[2] See Appendix, note D.]

their delegates, and reappointed the same persons to represent the colony at the meeting to be held in May: and foreseeing the probability that Peyton Randolph, their president, and speaker also of the House of Burgesses, might be called off, they added me, in that event, to the delegation.

Mr. Randolph was, according to expectation, obliged to leave the chair of Congress, to attend the General Assembly summoned by Lord Dunmore, to meet on the 1st day of June, 1775. Lord North's conciliatory propositions, as they were called, had been received by the Governor, and furnished the subject for which this assembly was convened. Mr. Randolph accordingly attended, and the tenor of these propositions being generally known, as having been addressed to all the governors, he was anxious that the answer of our Assembly, likely to be the first, should harmonize with what he knew to be the sentiments and wishes of the body he had recently left. He feared that Mr. Nicholas, whose mind was not yet up to the mark of the times, would undertake the answer, and therefore pressed me to prepare it. I did so, and, with his aid, carried it through the House, with long and doubtful scruples from Mr. Nicholas and James Mercer, and a dash of cold water on it here and there, enfeebling it somewhat, but finally with unanimity, or a vote approaching it. This being passed, I repaired immediately to Philadelphia, and conveyed to Congress the first notice they had of it. It was entirely

approved there. I took my seat with them on the 21st of June. On the 24th, a committee which had been appointed to prepare a declaration of the causes of taking up arms, brought in their report (drawn I believe by J. Rutledge) which, not being liked, the House recommitted it, on the 26th, and added Mr. Dickinson and myself to the committee. On the rising of the House, the committee having not yet met, I happened to find myself near Governor W. Livingston, and proposed to him to draw the paper. He excused himself and proposed that I should draw it. On my pressing him with urgency, "we are as yet but new acquaintances, sir," said he, "why are you so earnest for my doing it?" "Because," said I, "I have been informed that you drew the Address to the people of Great Britain, a production, certainly, of the finest pen in America." "On that," says he, "perhaps, sir, you may not have been correctly informed." I had received the information in Virginia from Colonel Harrison on his return from that Congress. Lee, Livingston, and Jay had been the committee for that draught. The first, prepared by Lee, had been disapproved and recommitted. The second was drawn by Jay, but being presented by Governor Livingston, had led Colonel Harrison into the error. The next morning, walking in the hall of Congress, many members being assembled, but the House not yet formed, I observed Mr. Jay speaking to R. H. Lee, and leading him by the button of his coat to me. "I

understand, sir," said he to me, "that this gentleman informed you, that Governor Livingston drew the Address to the people of Great Britain." I assured him, at once, that I had not received that information from Mr. Lee, and that not a word had ever passed on the subject between Mr. Lee and myself; and after some explanations the subject was dropped. These gentlemen had had some sparrings in debate before, and continued ever very hostile to each other.

I prepared a draught of the declaration committed to us. It was too strong for Mr. Dickinson. He still retained the hope of reconciliation with the mother country, and was unwilling it should be lessened by offensive statements. He was so honest a man, and so able a one, that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper, and put it into a form he could approve. He did so, preparing an entire new statement, and preserving of the former only the last four paragraphs and half of the preceding one. We approved and reported it to Congress, who accepted it. Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment. The disgust against this humility was general; and Mr. Dickinson's delight

at its passage was the only circumstance which reconciled them to it. The vote being passed, although further observation on it was out of order, he could not refrain from rising and expressing his satisfaction, and concluded by saying, "there is but one word, Mr. President, in the paper which I disapprove, and that is the word *Congress;*" on which Ben Harrison rose and said, "There is but one word in the paper, Mr. President, of which I approve, and that is the word *Congress*."

On the 22d of July, Dr. Franklin, Mr. Adams, R. H. Lee, and myself, were appointed a committee to consider and report on Lord North's conciliatory resolution. The answer of the Virginia Assembly on that subject having been approved, I was requested by the committee to prepare this report, which will account for the similarity of feature in the two instruments.

On the 15th of May, 1776, the convention of Virginia instructed their delegates in Congress, to propose to that body to declare the colonies independent of Great Britain, and appointed a committee to prepare a declaration of rights and plan of government.

'In Congress, Friday, June 7, 1776. The dele-

[1 Here, in the original manuscript, commence the "two preceding sheets" referred to by Mr. Jefferson, page 26, as containing "notes" taken by him "whilst these things were going on." They are easily distinguished from the body of the MS. in which they were inserted by him, being of a paper very different in size, quality and color, from that in which the latter is written.]

gates from Virginia moved, in obedience to instructions from their constituents, that the Congress should declare that these United colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together.

The House being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock.

Saturday, June 8. They proceeded to take it into consideration, and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day and Monday, the 10th, in debating on the subject.

It was argued by Wilson, Robert R. Livingston, E. Rutledge, Dickinson, and others—

That, though they were friends to the measures themselves, and saw the impossibility that we should ever again be united with Great Britain, yet they were against adopting them at this time:

That the conduct we had formerly observed was wise and proper now, of deferring to take any capital step till the voice of the people drove us into it:

That they were our power, and without them our declarations could not be carried into effect:

That the people of the middle colonies (Maryland, Delaware, Pennsylvania, the Jerseys and New York) were not yet ripe for bidding adieu to British connection, but that they were fast ripening, and, in a short time, would join in the general voice of America:

That the resolution, entered into by this House on the 15th of May, for suppressing the exercise of all powers derived from the crown, had shown, by the ferment into which it had thrown these middle colonies, that they had not yet accommodated their minds to a separation from the mother country:

That some of them had expressly forbidden their delegates to consent to such a declaration, and others had given no instructions, and consequently no powers to give such consent:

That if the delegates of any particular colony had no power to declare such colony independent, certain they were, the others could not declare it for them; the colonies being as yet perfectly independent of each other:

That the assembly of Pennsylvania was now sitting above stairs, their convention would sit within a few days, the convention of New York was now sitting, and those of the Jerseys and Delaware counties would meet on the Monday following, and it was probable these bodies would

take up the question of Independence, and would declare to their delegates the voice of their state:

That if such a declaration should now be agreed to, these delegates must retire, and possibly their colonies might secede from the Union:

That such a secession would weaken us more than could be compensated by any foreign alliance:

That in the event of such a division, foreign powers would either refuse to join themselves to our fortunes, or, having us so much in their power as that desperate declaration would place us, they would insist on terms proportionably more hard and prejudicial:

That we had little reason to expect an alliance with those to whom alone, as yet, we had cast our eyes:

That France and Spain had reason to be jealous of that rising power, which would one day certainly strip them of all their American possessions:

That it was more likely they should form a connection with the British court, who, if they should find themselves unable otherwise to extricate themselves from their difficulties, would agree to a partition of our territories, restoring Canada to France, and the Floridas to Spain, to accomplish for themselves a recovery of these colonies:

That it would not be long before we should receive certain information of the disposition of the French court, from the agent whom we had sent to Paris for that purpose:

That if this disposition should be favorable, by waiting the event of the present campaign, which we all hoped would be successful, we should have reason to expect an alliance on better terms:

That this would in fact work no delay of any effectual aid from such ally, as, from the advance of the season and distance of our situation, it was impossible we could receive any assistance during this campaign:

That it was prudent to fix among ourselves the terms on which we should form alliance, before we declared we would form one at all events:

And that if these were agreed on, and our Declaration of Independence ready by the time our Ambassador should be prepared to sail, it would be as well as to go into that Declaration at this day.

On the other side, it was urged by J. Adams, Lee, Wythe, and others, that no gentleman had argued against the policy or the right of separation from Britain, nor had supposed it possible we should ever renew our connection; that they had only opposed its being now declared:

That the question was not whether, by a Declaration of Independence, we should make ourselves what we are not; but whether we should declare a fact which already exists:

That, as to the people or parliament of England, we had always been independent of them, their restraints on our trade deriving efficacy from our acquiescence only, and not from any rights they

possessed of imposing them, and that so far, our connection had been federal only, and was now dissolved by the commencement of hostilities:

That, as to the King, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the last act of Parliament, by which he declares us out of his protection, and by his levying war on us, a fact which had long ago proved us out of his protection; it being a certain position in law, that allegiance and protection are reciprocal, the one ceasing when the other is withdrawn:

That James the Second never declared the people of England out of his protection, yet his actions proved it, and the Parliament declared it:

No delegates then can be denied, or ever want, a power of declaring an existing truth:

That the delegates from the Delaware counties having declared their constituents ready to join, there are only two colonies, Pennsylvania and Maryland, whose delegates are absolutely tied up, and that these had, by their instructions, only reserved a right of confirming or rejecting the measure:

That the instructions from Pennsylvania might be accounted for from the times in which they were drawn, near a twelvemonth ago, since which the face of affairs has totally changed:

That within that time, it had become apparent that Britain was determined to accept nothing less than a *carte-blanche*, and that the King's answer to

the Lord Mayor, Aldermen and Common Council of London, which had come to hand four days ago, must have satisfied every one of this point:

That the people wait for us to lead the way:

That *they* are in favor of the measure, though the instructions given by some of their *representatives* are not:

That the voice of the representatives is not always consonant with the voice of the people, and that this is remarkably the case in these middle colonies:

That the effect of the resolution of the 15th of May has proved this, which, raising the murmurs of some in the colonies of Pennsylvania and Maryland, called forth the opposing voice of the freer part of the people, and proved them to be the majority even in these colonies:

That the backwardness of these two colonies might be ascribed, partly to the influence of proprietary power and connections, and partly, to their having not yet been attacked by the enemy:

That these causes were not likely to be soon removed, as there seemed no probability that the enemy would make either of these the seat of this summer's war:

That it would be vain to wait either weeks or months for perfect unanimity, since it was impossible that all men should ever become of one sentiment on any question:

That the conduct of some colonies, from the beginning of this contest, had given reason to

suspect it was their settled policy to keep in the rear of the confederacy, that their particular prospect might be better, even in the worst event:

That, therefore, it was necessary for those colonies who had thrown themselves forward and hazarded all from the beginning, to come forward now also, and put all again to their own hazard:

That the history of the Dutch Revolution, of whom three states only confederated at first, proved that a secession of some colonies would not be so dangerous as some apprehended:

That a Declaration of Independence alone could render it consistent with European delicacy, for European powers to treat with us, or even to receive an Ambassador from us:

That till this, they would not receive our vessels into their ports, nor acknowledge the adjudications of our courts of admirality to be legitimate, in cases of capture of British vessels:

That though France and Spain may be jealous of our rising power, they must think it will be much more formidable with the addition of Great Britain; and will therefore see it their interest to prevent a coalition; but should they refuse, we shall be but where we are; whereas without trying, we shall never know whether they will aid us or not:

That the present campaign may be unsuccessful, and therefore we had better propose an alliance while our affairs wear a hopeful aspect:

That to wait the event of this campaign will

certainly work delay, because, during the summer, France may assist us effectually, by cutting off those supplies of provisions from England and Ireland, on which the enemy's armies here are to depend; or by setting in motion the great power they have collected in the West Indies, and calling our enemy to the defence of the possessions they have there:

That it would be idle to lose time in settling the terms of alliance, till we had first determined we would enter into alliance:

That it is necessary to lose no time in opening a trade for our people, who will want clothes, and will want money too, for the payment of taxes:

And that the only misfortune is, that we did not enter into alliance with France six months sooner, as, besides opening her ports for the vent of our last year's produce, she might have marched an army into Germany, and prevented the petty princes there, from selling their unhappy subjects to subdue us.

It appearing in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1st; but, that this might occasion as little delay as possible, a committee was appointed to

prepare a Declaration of Independence. The committee were John Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston, and myself. Committees were also appointed, at the same time, to prepare a plan of confederation for the colonies, and to state the terms proper to be proposed for foreign alliance. The committee for drawing the Declaration of Independence, desired me to do it. It was accordingly done, and being approved by them, I reported it to the House on Friday, the 28th of June, when it was read, and ordered to lie on the table. On Monday, the 1st of July, the House resolved itself into a committee of the whole, and resumed the consideration of the original motion made by the delegates of Virginia, which, being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. South Carolina and Pennsylvania voted against it. Delaware had but two members present, and they were divided. The delegates from New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. They, therefore, thought themselves not justifiable in voting on either side, and asked leave to withdraw

from the question; which was given them. The committee rose and reported their resolution to the House. Mr. Edward Rutledge, of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question, whether the House would agree to the resolution of the committee, was accordingly postponed to the next day, when it was again moved, and South Carolina concurred in voting for it. In the meantime, a third member had come post from the Delaware counties, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, her vote was changed, so that the whole twelve colonies who were authorized to vote at all, gave their voices for it; and, within a few days,[1] the convention of New York approved of it, and thus supplied the void occasioned by the withdrawing of her delegates from the vote.

Congress proceeded the same day to consider the Declaration of Independence, which had been reported and lain on the table the Friday preceding, and on Monday referred to a committee of the whole. The pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censures on the people of England

[1] July 9.

were struck out, lest they should give them offence. The clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. Our northern brethren also, I believe, felt a little tender under those censures; for though their people had very few slaves themselves, yet they had been pretty considerable carriers of them to others. The debates, having taken up the greater parts of the 2d, 3d, and 4th days of July, were, on the evening of the last, closed; the Declaration was reported by the committee, agreed to by the House, and signed by every member present, except Mr. Dickinson. As the sentiments of men are known not only by what they receive, but what they reject also, I will state the form of the Declaration as originally reported. The parts struck out by Congress shall be distinguished by a black line drawn under them;[1] and those inserted by them shall be placed in the margin, or in a concurrent column.

A Declaration by the Representatives of the United States of America, in *General* Congress assembled.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected

[1] In this publication, the parts struck out are printed in *Italics* and inclosed in brackets.]

them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with [*inherent and*] inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are

certain

accustomed. But when a long train of abuses and usurpations, [*begun at a distinguished period and*] pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to [*expunge*] their former systems of government. The history of the present king of Great Britain is a history of [*unremitting*] injuries and usurpations, [*among which appears no solitary fact to contradict the uniform tenor of the rest, but all have*] in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world [*for the truth of which we pledge a faith yet unsullied by falsehood.*]

alter

repeated

all having

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly [*and continually*] for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

obstructed by He has [*suffered*] the administration of justice [*totally to cease in some of these states*] refusing his assent to laws for establishing judiciary powers.

He has made [*our*] judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, [*by a self-assumed power*] and sent hither swarms of new officers to harass our people and eat out their substance.

He has kept among us in times of peace standing armies [*and ships of war*] without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us [ ] of the benefits

in many cases

of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these [*states*]; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

colonies

He has abdicated government here [*withdrawing his governors, and declaring us out of his allegiance and protection.*]

by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun with circumstances of cruelty and perfidy [ ] unworthy the head of a civilized nation.

scarcely paralleled in the most barbarous ages, and totally

He has constrained our fellow citizens taken captive on the high seas, to bear arms against their country, to become the

executioners of their friends and brethren, or to fall themselves by their hands.

excited domestic insurrection among us, and has

He has [ ] endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions [*of existence*].

[*He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.*

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobium of INFIDEL *powers, is the warfare of the* CHRISTIAN *king of Great Britain. Determined to keep open a market where* MEN *should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying*

off former crimes committed against the LIBERTIES *of one people, with crimes which he urges them to commit against the* LIVES *of another.*]

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries.

A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a [ ] people [*who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad and so undisguised for tyranny over a people fostered and fixed in principles of freedom*]. free

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend [*a*] jurisdiction over [*these our states*]. We have reminded them of the circumstances of our emigration and settlement here, [*no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king,* an unwarrantable

thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and,] we [ ] appealed to

have

and we have conjured them by

their native justice and magnanimity [*as well as to*] the ties of our common kindred

would inevitably

to disavow these usurpations which [*were likely to*] interrupt our connection and correspondence. They too have been deaf to the voice of justice and of consanguinity, [*and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom, it seems, is below their dignity. Be it so, since they will have it. The road to happi-*

ness and to glory is open to us, too. We will tread it apart from them, and] acquiesce in the necessity which denounces our [*eternal*] separation [ ]!

We must therefore and hold them as we hold the rest of mankind, enemies in war, in peace friends.

We therefore the representatives of the United States of America in General Congress assembled, do in the name, and by the authority of the good people of these [*states reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through or under them; we utterly dissolve all political connection which may heretofore have subsisted between us and the people or parliament of Great Britain: and finally we do assert and declare these colonies to be free and independent states,*] and that as free and independent states,

We, therefore, the representatives of the United States of America in General Congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free

they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

And for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The Declaration thus signed on the 4th, on paper, was engrossed on parchment, and signed again on the 2d of August.

[Some erroneous statements of the proceedings on the Declaration of Independence having got before the public in latter times, Mr. Samuel A. Wells asked explanations of me, which are given in my letter to him of May 12, '19, before and now again referred to.[1] I took notes in my place while these things were going on, and at their close wrote them out in form and with correctness, and from 1 to 7 of the two preceding sheets, are the originals then written; as

[1 See Appendix, note B.]

Th: Jefferson gives this Writing desk to Joseph Coolidge junr as a Memorial of affection. It was made from a drawing of his own by Ben. Randall, cabinet maker of Philadelphia, with whom he first lodged on his arrival in that city in May 1776. and is the identical one on which he wrote the Declaration of Independance. Politics, as well as Religion, has it's superstitions. These, gaining strength with time may, one day, give imaginary value to this relic, for it's association with the birth of the Great Charter of our Independance.

Monticello. Nov. 18. 1825.

the two following are of the earlier debates on the Confederation, which I took in like manner.[1]]

On Friday, July 12, the committee appointed to draw the articles of Confederation reported them, and, on the 22d, the House resolved themselves into a committee to take them into consideration. On the 30th and 31st of that month, and 1st of the ensuing, those articles were debated which determined the proportion, or quota, of money which each state should furnish to the common treasury, and the manner of voting in Congress. The first of these articles was expressed in the original draught in these words. "Art. XI. All charges of war and all other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several colonies in proportion to the number of inhabitants of every age, sex, and quality, except Indians not paying taxes, in each colony, a true account of which, distinguishing the white inhabitants, shall be triennially taken and transmitted to the Assembly of the United States."

Mr. Chase moved that the quotas should be fixed, not by the number of inhabitants of every condition,

[1 The above note of the author is on a slip of paper, pasted in at the end of the Declaration. Here is also sewed into the MS. a slip of newspaper containing, under the head "Declaration of Independence," a letter from Thomas M'Kean, to Messrs. William M'Corkle & Son, dated "Philadelphia, June 16, 1817." This letter is to be found in the Port Folio, Sept. 1817, p. 249.]

but by that of the "white inhabitants." He admitted that taxation should be always in proportion to property, that this was, in theory, the true rule; but that, from a variety of difficulties, it was a rule which could never be adopted in practice. The value of the property in every State, could never be estimated justly and equally. Some other measure for the wealth of the State must therefore be devised, some standard referred to, which would be more simple. He considered the number of inhabitants as a tolerably good criterion of property, and that this might always be obtained. He therefore thought it the best mode which we could adopt, with one exception only: he observed that negroes are property, and as such, cannot be distinguished from the lands or personalities held in those States where there are few slaves; that the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses, &c., whereas a Southern farmer lays out the same surplus in slaves. There is no more reason, therefore, for taxing the Southern States on the farmer's head, and on his slave's head, than the Northern ones on their farmer's heads and the heads of their cattle; that the method proposed would, therefore, tax the Southern States according to their numbers and their wealth conjunctly, while the Northern would be taxed on numbers only: that negroes, in fact, should not be considered as members of the State, more than cattle, and that they have no more interest in it.

Mr. John Adams observed, that the numbers of people were taken by this article, as an index of the wealth of the State, and not as subjects of taxation; that, as to this matter, it was of no consequence by what name you called your people, whether by that of freemen or of slaves; that in some countries the laboring poor were called freemen, in others they were called slaves; but that the difference as to the state was imaginary only. What matters it whether a landlord, employing ten laborers on his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand? The ten laborers add as much wealth annually to the State, increase its exports as much in the one case as the other. Certainly five hundred freemen produce no more profits, no greater surplus for the payment of taxes, than five hundred slaves. Therefore, the State in which are the laborers called freemen, should be taxed no more than that in which are those called slaves. Suppose, by an extraordinary operation of nature or of law, one-half the laborers of a State could in the course of one night be transformed into slaves; would the State be made the poorer or the less able to pay taxes? That the condition of the laboring poor in most countries, that of the fishermen particularly of the Northern States, is as abject as that of slaves. It is the number of laborers which produces the surplus for taxation, and numbers, therefore, indiscriminately, are the fair index of wealth; that it is

the use of the word "property" here, and its application to some of the people of the State, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation or by purchase from his neighbor. If he imports a slave, he adds one to the number of laborers in his country, and proportionably to its profits and abilities to pay taxes; if he buys from his neighbor, it is only a transfer of a laborer from one farm to another, which does not change the annual produce of the State, and therefore, should not change its tax: that if a Northern farmer works ten laborers on his farm, he can, it is true, invest the surplus of ten men's labor in cattle; but so may the Southern farmer, working ten slaves; that a State of one hundred thousand freemen can maintain no more cattle, than one of one hundred thousand slaves. Therefore, they have no more of that kind of property; that a slave may indeed, from the custom of speech, be more properly called the wealth of his master, than the free laborer might be called the wealth of his employer; but as to the State, both were equally its wealth, and should, therefore, equally add to the quota of its tax.

Mr. Harrison proposed, as a compromise, that two slaves should be counted as one freeman. He affirmed that slaves did not do as much work as freemen, and doubted if two effected more than one; that this was proved by the price of labor; the hire of a laborer in the Southern colonies being from

£8 to £12, while in the Northern it was generally £24.

Mr. Wilson said, that if this amendment should take place, the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burthen: that slaves increase the profits of a State, which the Southern States mean to take to themselves; that they also increase the burthen of defence, which would of course fall so much the heavier on the Northern: that slaves occupy the places of freemen, and eat their food. Dismiss your slaves, and freemen will take their places. It is our duty to lay every discouragement on the importation of slaves; but this amendment would give the *jus trium liberorum* to him who would import slaves: that other kinds of property were pretty equally distributed through all the colonies: there were as many cattle, horses and sheep, in the North as the South, and South as the North; but not so as to slaves: that experience has shown that those colonies have been always able to pay most, which have the most inhabitants, whether they be black or white; and the practice of the Southern colonies has always been to make every farmer pay poll taxes upon all his laborers, whether they be black or white. He acknowledges, indeed, that freemen work the most; but they consume the most also. They do not produce a greater surplus for taxation. The slave is neither fed nor clothed so expensively as a freeman. Again, white women are exempted from labor gen-

erally, but negro women are not. In this, then, the Southern States have an advantage as the article now stands. It has sometimes been said, that slavery is necessary, because the commodities they raise would be too dear for market if cultivated by freemen; but now it is said that the labor of the slave is the dearest.

Mr. Payne urged the original resolution of Congress, to proportion the quotas of the States to the number of souls.

Dr. Witherspoon was of opinion, that the value of lands and houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself, and unequal between the States. It has been objected that negroes eat the food of freemen, and, therefore, should be taxed; horses also eat the food of freemen; therefore they also should be taxed. It has been said too, that in carrying slaves into the estimate of the taxes the State is to pay, we do no more than those States themselves do, who always take slaves into the estimate of the taxes the individual is to pay. But the cases are not parallel. In the Southern colonies slaves pervade the whole colony; but they do not pervade the whole continent. That as to the original resolution of Congress, to proportion the quotas according to the souls, it was temporary only, and related to the moneys heretofore emitted: whereas we are now entering into

a new compact, and therefore stand on original ground.

August 1. The question being put, the amendment proposed was rejected by the votes of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, against those of Delaware, Maryland, Virginia, North and South Carolina. Georgia was divided.

The other article was in these words. "Art. XVII. In determining questions, each colony shall have one vote."

July 30, 31, August 1. Present forty-one members. Mr. Chase observed this article was the most likely to divide us, of any one proposed in the draught then under consideration: that the larger colonies had threatened they would not confederate at all, if their weight in Congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against a union, if they did not retain an equal vote for the protection of their rights. That it was of the utmost consequence to bring the parties together, as, should we sever from each other, either no foreign power will ally with us at all, or the different States will form different alliances, and thus increase the horrors of those scenes of civil war and bloodshed, which in such a state of separation and independence, would render us a miserable people. That our importance, our interests, our peace required that we should confederate, and that mutual sacrifices should be made

to effect a compromise of this difficult question. He was of opinion, the smaller colonies would lose their rights, if they were not in some instances allowed an equal vote; and, therefore, that a discrimination should take place among the questions which would come before Congress. That the smaller States should be secured in all questions concerning life or liberty, and the greater ones, in all respecting property. He, therefore, proposed, that in votes relating to money, the voice of each colony should be proportioned to the number of its inhabitants.

Dr. Franklin thought, that the votes should be so proportioned in all cases. He took notice that the Delaware counties had bound up their delegates to disagree to this article. He thought it a very extraordinary language to be held by any State, that they would not confederate with us, unless we would let them dispose of our money. Certainly, if we vote equally, we ought to pay equally; but the smaller States will hardly purchase the privilege at this price. That had he lived in a State where the representation, originally equal, had become unequal by time and accident, he might have submitted rather than disturb government; but that we should be very wrong to set out in this practice, when it is in our power to establish what is right. That at the time of the Union between England and Scotland, the latter had made the objection which the smaller States now do; but experience had proved

that no unfairness had ever been shown them: that their advocates had prognosticated that it would again happen, as in times of old, that the whale would swallow Jonas, but he thought the prediction reversed in event, and that Jonas had swallowed the whale; for the Scotch had in fact got possession of the government, and gave laws to the English. He reprobated the original agreement of Congress to vote by colonies, and, therefore, was for their voting, in all cases, according to the number of taxables.

Dr. Witherspoon opposed every alteration of the article. All men admit that a confederacy is necessary. Should the idea get abroad that there is likely to be no union among us, it will damp the minds of the people, diminish the glory of our struggle, and lessen its importance; because it will open to our view future prospects of war and dissension among ourselves. If an equal vote be refused, the smaller States will become vassals to the larger; and all experience has shown that the vassals and subjects of free States are the most enslaved. He instanced the Helots of Sparta, and the provinces of Rome. He observed that foreign powers, discovering this blemish, would make it a handle for disengaging the smaller States from so unequal a confederacy. That the colonies should in fact be considered as individuals; and that, as such, in all disputes, they should have an equal vote; that they are now collected as individuals making a

bargain with each other, and, of course, had a right to vote as individuals. That in the East India Company they voted by persons, and not by their proportion of stock. That the Belgic confederacy voted by provinces. That in questions of war the smaller States were as much interested as the larger, and, therefore, should vote equally; and indeed, that the larger States were more likely to bring war on the confederacy, in proportion as their frontier was more extensive. He admitted that equality of representation was an excellent principle, but then it must be of things which are co-ordinate; that is, of things similar, and of the same nature: that nothing relating to individuals could ever come before Congress; nothing but what would respect colonies. He distinguished between an incorporating and a federal union. The union of England was an incorporating one; yet Scotland had suffered by that union; for that its inhabitants were drawn from it by the hopes of places and employments: nor was it an instance of equality of representation; because, while Scotland was allowed nearly a thirteenth of representation, they were to pay only one-fortieth of the land tax. He expressed his hopes, that in the present enlightened state of men's minds, we might expect a lasting confederacy, if it was founded on fair principles.

John Adams advocated the voting in proportion to numbers. He said that we stand here as the representatives of the people: that in some States

the people are many, in others they are few; that therefore, their vote here should be proportioned to the numbers from whom it comes. Reason, justice and equity never had weight enough on the face of the earth, to govern the councils of men. It is interest alone which does it, and it is interest alone which can be trusted: that therefore the interests within doors, should be the mathematical representatives of the interests without doors: that the individuality of the colonies is a mere sound. Does the individuality of a colony increase its wealth or numbers? If it does, pay equally. If it does not add weight in the scale of the confederacy, it cannot add to their rights, nor weigh in argument. A. has £50, B. £500, C. £1000 in partnership. Is it just they should equally dispose of the moneys of the partnership? It has been said, we are independent individuals making a bargain together. The question is not what we are now, but what we ought to be when our bargain shall be made. The confederacy is to make us one individual only; it is to form us like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy. Therefore, all those reasons, which prove the justice and expediency of equal representation in other assemblies, hold good here. It has been objected that a proportional vote will endanger the smaller States. We answer that an equal vote will endanger

the larger. Virginia, Pennsylvania, and Massachusetts, are the three greater colonies. Consider their distance, their difference of produce, of interests, and of manners, and it is apparent they can never have an interest or inclination to combine for the oppression of the smaller: that the smaller will naturally divide on all questions with the larger. Rhode Island, from its relation, similarity and intercourse, will generally pursue the same objects with Massachusetts; Jersey, Delaware, and Maryland, with Pennsylvania.

Dr. Rush took notice, that the decay of the liberties of the Dutch republic proceeded from three causes. 1. The perfect unanimity requisite on all occasions. 2. Their obligation to consult their constituents. 3. Their voting by provinces. This last destroyed the equality of representation, and the liberties of Great Britain also are sinking from the same defect. That a part of our rights is deposited in the hands of our legislatures. There, it was admitted, there should be an equality of representation. Another part of our rights is deposited in the hands of Congress: why is it not equally necessary there should be an equal representation there? Were it possible to collect the whole body of the people together, they would determine the questions submitted to them by their majority. Why should not the same majority decide when voting here, by their representatives? The larger colonies are so providentially divided in situation, as to

render every fear of their combining visionary. Their interests are different, and their circumstances dissimilar. It is more probable they will become rivals, and leave it in the power of the smaller States to give preponderance to any scale they please. The voting by the number of free inhabitants, will have one excellent effect, that of inducing the colonies to discourage slavery, and to encourage the increase of their free inhabitants.

Mr. Hopkins observed, there were four larger, four smaller, and four middle-sized colonies. That the four largest would contain more than half the inhabitants of the confederated States, and therefore, would govern the others as they should please. That history affords no instance of such a thing as equal representation. The Germanic body votes by States. The Helvetic body does the same; and so does the Belgic confederacy. That too little is known of the ancient confederations, to say what was their practice.

Mr. Wilson thought, that taxation should be in proportion to wealth, but that representation should accord with the number of freemen. That government is a collection or result of the wills of all: that if any government could speak the will of all, it would be perfect; and that, so far as it departs from this, it becomes imperfect. It has been said that Congress is a representation of States, not of individuals. I say, that the objects of its care are all the individuals of the States. It is strange that

annexing the name of "State" to ten thousand men, should give them an equal right with forty thousand. This must be the effect of magic, not of reason. As to those matters which are referred to Congress, we are not so many States; we are one large State. We lay aside our individuality, whenever we come here. The Germanic body is a burlesque on government; and their practice, on any point, is a sufficient authority and proof that it is wrong. The greatest imperfection in the constitution of the Belgic confederacy is their voting by provinces. The interest of the whole is constantly sacrificed to that of the small States. The history of the war in the reign of Queen Anne sufficiently proves this. It is asked, shall nine colonies put it into the power of four to govern them as they please? I invert the question, and ask, shall two millions of people put it in the power of one million to govern them as they please? It is pretended, too, that the smaller colonies will be in danger from the greater. Speak in honest language and say, the minority will be in danger from the majority. And is there an assembly on earth, where this danger may not be equally pretended? The truth is, that our proceedings will then be consentaneous with the interests of the majority, and so they ought to be. The probability is much greater, that the larger States will disagree, than that they will combine. I defy the wit of man to invent a possible case, or to suggest any one thing on earth, which shall be for the interests of Virginia,

Pennsylvania and Massachusetts, and which will not also be for the interest of the other States.[1]

These articles, reported July 12, '76, were debated from day to day, and time to time, for two years, were ratified July 9, '78, by ten States, by New Jersey on the 26th of November of the same year, and by Delaware on the 23d of February following. Maryland alone held off two years more, acceding to them March 1, '81, and thus closing the obligation.

Our delegation had been renewed for the ensuing year, commencing August 11; but the new government was now organized, a meeting of the legislature was to be held in October, and I had been elected a member by my county. I knew that our legislation, under the regal government, had many very vicious points which urgently required reformation, and I thought I could be of more use in forwarding that work. I therefore retired from my seat in Congress on the 2d of September, resigned it, and took my place in the legislature of my State, on the 7th of October.

On the 11th, I moved for leave to bring in a bill for the establishment of courts of justice, the organization of which was of importance. I drew the bill; it was approved by the committee, reported and passed, after going through its due course.

On the 12th, I obtained leave to bring in a bill declaring tenants in tail to hold their lands in fee

[1 Here terminate the author's notes of the "earlier debates on the confederation," and recommences the MS. begun by him in 1821.]

simple. In the earlier times of the colony, when lands were to be obtained for little or nothing, some provident individuals procured large grants; and, desirous of founding great families for themselves, settled them on their descendants in fee tail. The transmission of this property from generation to generation, in the same name, raised up a distinct set of families, who, being privileged by law in the perpetuation of their wealth, were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments. From this order, too, the king habitually selected his counsellors of State; the hope of which distinction devoted the whole corps to the interests and will of the crown. To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger, than benefit, to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, and scattered with equal hand through all its conditions, was deemed essential to a well-ordered republic.— To effect it, no violence was necessary, no deprivation of natural right, but rather an enlargement of it by a repeal of the law. For this would authorize the present holder to divide the property among his children equally, as his affections were divided; and would place them, by natural generation, on the level of their fellow citizens. But this repeal was strongly opposed by Mr. Pendleton, who was zealously attached to ancient establishments; and who,

taken all in all, was the ablest man in debate I have ever met with. He had not indeed the poetical fancy of Mr. Henry, his sublime imagination, his lofty and overwhelming diction; but he was cool, smooth and persuasive; his language flowing, chaste and embellished; his conceptions quick, acute and full of resource; never vanquished: for if he lost the main battle, he returned upon you, and regained so much of it as to make it a drawn one, by dexterous manœuvres, skirmishes in detail, and the recovery of small advantages which, little singly, were important all together. You never knew when you were clear of him, but were harassed by his perseverance, until the patience was worn down of all who had less of it than himself. Add to this, that he was one of the most virtuous and benevolent of men, the kindest friend, the most amiable and pleasant of companions, which ensured a favorable reception to whatever came from him. Finding that the general principle of entails could not be maintained, he took his stand on an amendment which he proposed, instead of an absolute abolition, to permit the tenant in tail to convey in fee simple, if he chose it; and he was within a few votes of saving so much of the old law. But the bill passed finally for entire abolition.

In that one of the bills for organizing our judiciary system, which proposed a court of Chancery, I had provided for a trial by jury of all matters of fact, in that as well as in the courts of law. He defeated

it by the introduction of four words only, "*if either party choose*." The consequence has been, that as no suitor will say to his judge, "Sir, I distrust you, give me a jury," juries are rarely, I might say, perhaps, never, seen in that court, but when called for by the Chancellor of his own accord.

The first establishment in Virginia which became permanent, was made in 1607. I have found no mention of negroes in the colony until about 1650. The first brought here as slaves were by a Dutch ship; after which the English commenced the trade, and continued it until the revolutionary war. That suspended, *ipso facto*, their further importation for the present, and the business of the war pressing constantly on the legislature, this subject was not acted on finally until the year '78, when I brought in a bill to prevent their further importation. This passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication.

The first settlers of this colony were Englishmen, loyal subjects to their king and church, and the grant to Sir Walter Raleigh contained an express proviso that their laws "should not be against the true Christian faith, now professed in the church of England." As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary

appendages. To meet these expenses, all the inhabitants of the parishes were assessed, whether they were or not, members of the established church. Towards Quakers who came here, they were most cruelly intolerant, driving them from the colony by the severest penalties. In process of time, however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these, generally, the emoluments of a classical school, found employment enough, in their farms and schoolrooms, for the rest of the week, and devoted Sunday only to the edification of their flock, by service, and a sermon at their parish church. Their other pastoral functions were little attended to. Against this inactivity, the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the revolution, a majority of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the pastors of the minority. This unrighteous compulsion, to maintain teachers of what they deemed religious errors, was grievously felt during the regal government, and without a hope of relief. But the first republican legislature, which met in '76, was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contests in which I have ever been engaged. Our great opponents were Mr. Pendleton and Robert Carter Nicholas; honest men, but zealous

churchmen. The petitions were referred to the committee of the whole house on the state of the country; and, after desperate contests in that committee, almost daily from the 11th of October to the 5th of December, we prevailed so far only, as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship; and further, to exempt dissenters from contributions to the support of the established church; and to suspend, only until the next session, levies on the members of that church for the salaries of their own incumbents. For although the majority of our citizens were dissenters, as has been observed, a majority of the legislature were churchmen. Among these, however, were some reasonable and liberal men, who enabled us, on some points, to obtain feeble majorities. But our opponents carried, in the general resolutions of the committee of November 19, a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct. And, in the bill now passed, was inserted an express reservation of the question, Whether a general assessment should not be established by law, on every one, to the support of the pastor of his choice; or whether all should be left to voluntary contributions; and on this question, debated at every session, from '76 to '79, (some of our dissenting allies, having now secured their

particular object, going over to the advocates of a general assessment,) we could only obtain a suspension from session to session until '79, when the question against a general assessment was finally carried, and the establishment of the Anglican church entirely put down. In justice to the two honest but zealous opponents who have been named, I must add, that although, from their natural temperaments, they were more disposed generally to acquiesce in things as they are, than to risk innovations, yet whenever the public will had once decided, none were more faithful or exact in their obedience to it.

The seat of our government had originally been fixed in the peninsula of Jamestown, the first settlement of the colonists; and had been afterwards removed a few miles inland to Williamsburg. But this was at a time when our settlements had not extended beyond the tide waters. Now they had crossed the Alleghany; and the centre of population was very far removed from what it had been. Yet Williamsburg was still the depository of our archives, the habitual residence of the Governor and many other of the public functionaries, the established place for the sessions of the legislature, and the magazine of our military stores; and its situation was so exposed that it might be taken at any time in war, and, at this time particularly, an enemy might in the night run up either of the rivers, between which it lies, land a force above, and take possession of the place, without the possibility of

saving either persons or things. I had proposed its removal so early as October, '76; but it did not prevail until the session of May, '79.

Early in the session of May, '79, I prepared, and obtained leave to bring in a bill, declaring who should be deemed citizens, asserting the natural right of expatriation, and prescribing the mode of exercising it. This, when I withdrew from the House, on the 1st of June following, I left in the hands of George Mason, and it was passed on the 26th of that month.

In giving this account of the laws of which I was myself the mover and draughtsman, I, by no means, mean to claim to myself the merit of obtaining their passage. I had many occasional and strenuous coadjutors in debate, and one, most steadfast, able and zealous; who was himself a host. This was George Mason, a man of the first order of wisdom among those who acted on the theatre of the revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles. His elocution was neither flowing nor smooth; but his language was strong, his manner most impressive, and strengthened by a dash of biting cynicism, when provocation made it seasonable.

Mr. Wythe, while speaker in the two sessions of 1777, between his return from Congress and his appointment to the Chancery, was an able and con-

stant associate in whatever was before a committee of the whole. His pure integrity, judgment and reasoning powers, gave him great weight. Of him, see more in some notes inclosed in my letter of August 31, 1821, to Mr. John Saunderson.[1]

Mr. Madison came into the House in 1776, a new member and young; which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate before his removal to the Council of State, in November, '77. From thence he went to Congress, then consisting of few members. Trained in these successive schools, he acquired a habit of self-possession, which placed at ready command the rich resources of his luminous and discriminating mind, and of his extensive information, and rendered him the first of every assembly afterwards, of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely, in language pure, classical and copious, soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great National Convention of 1787; and in that of Virginia which followed, he sustained the new constitution in all its parts, bearing off the palm against the logic of George Mason, and the fervid declamation of Mr. Henry. With these consummate powers, were united a pure and spotless virtue, which no calumny has ever attempted to sully. Of the powers

[1 See Appendix, note A.]

and polish of his pen, and of the wisdom of his administration in the highest office of the nation, I need say nothing. They have spoken, and will forever speak for themselves.

So far we were proceeding in the details of reformation only; selecting points of legislation, prominent in character and principle, urgent, and indicative of the strength of the general pulse of reformation. When I left Congress, in '76, it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government; and, now that we had no negatives of Councils, Governors, and Kings to restrain us from doing right, it should be corrected, in all its parts, with a single eye to reason, and the good of those for whose government it was framed. Early, therefore, in the session of '76, to which I returned, I moved and presented a bill for the revision of the laws, which was passed on the 24th of October; and on the 5th of November, Mr. Pendleton, Mr. Wythe, George Mason, Thomas L. Lee, and myself, were appointed a committee to execute the work. We agreed to meet at Fredericksburg to settle the plan of operation, and to distribute the work. We met there accordingly, on the 13th of January, 1777. The first question was, whether we should propose to abolish the whole existing system of laws, and prepare a new and complete Institute, or preserve the general system, and only modify it to the present state of things. Mr. Pendleton, contrary to his usual disposition in

favor of ancient things, was for the former proposition, in which he was joined by Mr. Lee. To this it was objected, that to abrogate our whole system would be a bold measure, and probably far beyond the views of the legislature; that they had been in the practice of revising, from time to time, the laws of the colony, omitting the expired, the repealed, and the obsolete, amending only those retained, and probably meant we should now do the same, only including the British statutes as well as our own: that to compose a new Institute, like those of Justinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous undertaking, of vast research, of great consideration and judgment; and when reduced to a text, every word of that text, from the imperfection of human language, and its incompetence to express distinctly every shade of idea, would become a subject of question and chicanery, until settled by repeated adjudications; and this would involve us for ages in litigation, and render property uncertain, until, like the statutes of old, every word had been tried and settled by numerous decisions, and by new volumes of reports and commentaries; and that no one of us, probably, would undertake such a work, which to be systematical, must be the work of one hand. This last was the opinion of Mr. Wythe, Mr. Mason, and myself. When we proceeded to the distribution of the work, Mr. Mason excused himself, as, being no lawyer, he felt himself unqualified for

the work, and he resigned soon after. Mr. Lee excused himself on the same ground, and died, indeed, in a short time. The other two gentlemen, therefore, and myself divided the work among us. The common law and statutes to the 4 James I. (when our separate legislature was established) were assigned to me; the British statutes, from that period to the present day, to Mr. Wythe; and the Virginia laws to Mr. Pendleton. As the law of Descents, and the criminal law fell of course within my portion, I wished the committee to settle the leading principles of these, as a guide for me in framing them; and, with respect to the first, I proposed to abolish the law of primogeniture, and to make real estate descendible in parcenary to the next of kin, as personal property is, by the statute of distribution. Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed, that if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers and wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony; and such was the decision of the other members.

On the subject of the Criminal law, all were agreed, that the punishment of death should be abolished, except for treason and murder; and that, for other

felonies, should be substituted hard labor in the public works, and in some cases, the *Lex talionis*. How this last revolting principle came to obtain our approbation, I do not remember. There remained, indeed, in our laws, a vestige of it in a single case of a slave; it was the English law, in the time of the Anglo-Saxons, copied probably from the Hebrew law of "an eye for an eye, a tooth for a tooth," and it was the law of several ancient people; but the modern mind had left it far in the rear of its advances. These points, however, being settled, we repaired to our respective homes for the preparation of the work.

In the execution of my part, I thought it material not to vary the diction of the ancient statutes by modernizing it, nor to give rise to new questions by new expressions. The text of these statutes had been so fully explained and defined, by numerous adjudications, as scarcely ever now to produce a question in our courts. I thought it would be useful, also, in all new draughts, to reform the style of the later British statutes, and of our own acts of Assembly; which, from their verbosity, their endless tautologies, their involutions of case within case, and parenthesis within parenthesis, and their multiplied efforts at certainty, by *saids* and *aforesaids*, by *ors* and by *ands*, to make them more plain, are really rendered more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves. We were employed in this work from that

abandonment of self-respect, as, instead of reforming, plunged them into the most desperate and hardened depravity of morals and character. To pursue the subject of this law.—I was written to in 1785 (being then in Paris) by directors appointed to superintend the building of a Capitol in Richmond, to advise them as to a plan, and to add to it one of a Prison. Thinking it a favorable opportunity of introducing into the State an example of architecture, in the classic style of antiquity, and the Maison Quarrée of Nismes, an ancient Roman temple, being considered as the most perfect model existing of what may be called Cubic architecture, I applied to M. Clerissault, who had published drawings of the Antiquities of Nismes, to have me a model of the building made in stucco, only changing the order from Corinthian to Ionic, on account of the difficulty of the Corinthian capitals. I yielded, with reluctance, to the taste of Clerissault, in his preference of the modern capital of Scamozzi to the more noble capital of antiquity. This was executed by the artist whom Choiseul Gouffier had carried with him to Constantinople, and employed, while Ambassador there, in making those beautiful models of the remains of Grecian architecture which are to be seen at Paris. To adapt the exterior to our use, I drew a plan for the interior, with the apartments necessary for legislative, executive, and judiciary purposes; and accommodated in their size and distribution to the form and dimensions of the building.

These were forwarded to the Directors, in 1786, and were carried into execution, with some variations, not for the better, the most important of which, however, admit of future correction. With respect to the plan of a Prison, requested at the same time, I had heard of a benevolent society, in England, which had been indulged by the government, in an experiment of the effect of labor, in *solitary confinement*, on some of their criminals; which experiment had succeeded beyond expectation. The same idea had been suggested in France, and an Architect of Lyons had proposed a plan of a well-contrived edifice, on the principle of solitary confinement. I procured a copy, and as it was too large for our purposes, I drew one on a scale less extensive, but susceptible of additions as they should be wanting. This I sent to the Directors, instead of a plan of a common prison, in the hope that it would suggest the idea of labor in solitary confinement, instead of that on the public works, which we had adopted in our Revised Code. Its principle, accordingly, but not its exact form, was adopted by Latrobe in carrying the plan into execution, by the erection of what is now called the Penitentiary, built under his direction. In the meanwhile, the public opinion was ripening, by time, by reflection, and by the example of Pennsylvania, where labor on the highways had been tried, without approbation, from 1786 to '89, and had been followed by their Penitentiary system on the principle of confinement and labor, which was

proceeding auspiciously. In 1796, our legislature resumed the subject, and passed the law for amending the Penal laws of the commonwealth. They adopted solitary, instead of public, labor, established a gradation in the duration of the confinement, approximated the style of the law more to the modern usage, and, instead of the settled distinctions of murder and manslaughter, preserved in my bill, they introduced the new terms of murder in the first and second degree. Whether these have produced more or fewer questions of definition, I am not sufficiently informed of our judiciary transactions to say. I will here, however, insert the text of my bill, with the notes I made in the course of my researches into the subject.[1]

The acts of Assembly concerning the College of William and Mary, were properly within Mr. Pendleton's portion of our work; but these related chiefly to its revenue, while its constitution, organization and scope of science, were derived from its charter. We thought that on this subject, a systematical plan of general education should be proposed, and I was requested to undertake it. I accordingly prepared three bills for the Revisal, proposing three distinct grades of education, reaching all classes. 1st. Elementary schools, for all children generally, rich and poor. 2d. Colleges, for a middle degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who were in

[1 See Appendix, note E.]

easy circumstances. And, 3d, an ultimate grade for teaching the sciences generally, and in their highest degree. The first bill proposed to lay off every county into Hundreds, or Wards, of a proper size and population for a school, in which reading, writing, and common arithmetic should be taught; and that the whole State should be divided into twenty-four districts, in each of which should be a school for classical learning, grammar, geography, and the higher branches of numerical arithmetic. The second bill proposed to amend the constitution of William and Mary college, to enlarge its sphere of science, and to make it in fact a University. The third was for the establishment of a library. These bills were not acted on until the same year, '96, and then only so much of the first as provided for elementary schools. The College of William and Mary was an establishment purely of the Church of England; the Visitors were required to be all of that Church; the Professors to subscribe its thirty-nine Articles; its Students to learn its Catechism; and one of its fundamental objects was declared to be, to raise up Ministers for that church. The religious jealousies, therefore, of all the dissenters, took alarm lest this might give an ascendancy to the Anglican sect, and refused acting on that bill. Its local eccentricity, too, and unhealthy autumnal climate, lessened the general inclination towards it. And in the Elementary bill, they inserted a provision which completely defeated it; for they left it to the court

of each county to determine for itself, when this act should be carried into execution, within their county. One provision of the bill was, that the expenses of these schools should be borne by the inhabitants of the county, every one in proportion to his general tax rate. This would throw on wealth the education of the poor; and the justices, being generally of the more wealthy class, were unwilling to incur that burden, and I believe it was not suffered to commence in a single county. I shall recur again to this subject, towards the close of my story, if I should have life and resolution enough to reach that term; for I am already tired of talking about myself.

The bill on the subject of slaves, was a mere digest of the existing laws respecting them, without any intimation of a plan for a future and general emancipation. It was thought better that this should be kept back, and attempted only by way of amendment, whenever the bill should be brought on. The principles of the amendment, however, were agreed on, that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same gov-

ernment. Nature, habit, opinion have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.

I considered four of these bills, passed or reported, as forming a system by which every fibre would be eradicated of ancient or future aristocracy; and a foundation laid for a government truly republican. The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth, in select families, and preserve the soil of the country from being daily more and more absorbed in mortmain. The abolition of primogeniture, and equal partition of inheritances, removed the feudal and unnatural distinctions which made one member of every family rich, and all the rest poor, substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience relieved the people from taxation for the support of a religion not theirs; for the establishment was truly of the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand

their rights, to maintain them, and to exercise with intelligence their parts in self-government; and all this would be effected, without the violation of a single natural right of any one individual citizen. To these, too, might be added, as a further security, the introduction of the trial by jury, into the Chancery courts, which have already ingulfed, and continue to ingulf, so great a proportion of the jurisdiction over our property.

On the 1st of June, 1779, I was appointed Governor of the Commonwealth, and retired from the legislature Being elected, also, one of the Visitors of William and Mary college, a self-electing body, I effected, during my residence in Williamsburg that year, a change in the organization of that institution, by abolishing the Grammar school, and the two professorships of Divinity and Oriental languages, and substituting a professorship of Law and Police, one of Anatomy, Medicine and Chemistry, and one of Modern languages; and the charter confining us to six professorships, we added the Law of Nature and Nations, and the Fine Arts to the duties of the Moral professor, and Natural History to those of the professor of Mathematics and Natural Philosophy.

Being now, as it were, identified with the Commonwealth itself, to write my own history, during the two years of my administration, would be to write the public history of that portion of the revolution within this State. This has been done by others,

and particularly by Mr. Girardin, who wrote his Continuation of Burke's History of Virginia, while at Milton, in this neighborhood, had free access to all my papers while composing it, and has given as faithful an account as I could myself. For this portion, therefore, of my own life, I refer altogether to his history. From a belief that, under the pressure of the invasion under which we were then laboring, the public would have more confidence in a Military chief, and that the Military commander, being invested with the Civil power also, both might be wielded with more energy, promptitude and effect for the defence of the State, I resigned the administration at the end of my second year, and General Nelson was appointed to succeed me.

Soon after my leaving Congress, in September, '76, to wit, on the last day of that month, I had been appointed, with Dr. Franklin, to go to France, as a Commissioner, to negotiate treaties of alliance and commerce with that government. Silas Deane, then in France, acting as[1] agent for procuring military stores, was joined with us in commission. But such was the state of my family that I could not leave it, nor could I expose it to the dangers of the sea, and of capture by the British ships, then covering the ocean. I saw, too, that the laboring oar was really

[1] His ostensible character was to be that of a merchant, his real one that of agent for military supplies, and also for sounding the dispositions of the government of France, and seeing how far they would favor us, either secretly or openly. His appointment had been by the Committee of foreign correspondence, March, 1776.

at home, where much was to be done, of the most permanent interest, in new modelling our governments, and much to defend our fanes and fire-sides from the desolations of an invading enemy, pressing on our country in every point. I declined, therefore, and Mr. Lee was appointed in my place. On the 15th of June, 1781, I had been appointed, with Mr. Adams, Mr. Franklin, Mr. Jay, and Mr. Laurens, a Minister Plenipotentiary for negotiating peace, then expected to be effected through the mediation of the Empress of Russia. The same reasons obliged me still to decline; and the negotiation was in fact never entered on. But, in the autumn of the next year, 1782, Congress receiving assurances that a general peace would be concluded in the winter and spring, they renewed my appointment on the 13th of November of that year. I had, two months before that, lost the cherished companion of my life, in whose affections, unabated on both sides, I had lived the last ten years in unchequered happiness. With the public interests, the state of my mind concurred in recommending the change of scene proposed; and I accepted the appointment, and left Monticello on the 19th of December, 1782, for Philadelphia, where I arrived on the 27th. The Minister of France, Luzerne, offered me a passage in the Romulus frigate, which I accepted; but she was then lying a few miles below Baltimore, blocked up in the ice. I remained, therefore, a month in Philadelphia, looking over the papers in the office of State,

in order to possess myself of the general state of our foreign relations, and then went to Baltimore, to await the liberation of the frigate from the ice. After waiting there nearly a month, we received information that a Provisional treaty of peace had been signed by our Commissioners on the 3d of September, 1782, to become absolute, on the conclusion of peace between France and Great Britain. Considering my proceeding to Europe as now of no utility to the public, I returned immediately to Philadelphia, to take the orders of Congress, and was excused by them from further proceeding. I, therefore, returned home, where I arrived on the 15th of May, 1783.

On the 6th of the following month, I was appointed by the legislature a delegate to Congress, the appointment to take place on the 1st of November ensuing, when that of the existing delegation would expire. I, accordingly, left home on the 16th of October, arrived at Trenton, where Congress was sitting, on the 3d of November, and took my seat on the 4th, on which day Congress adjourned, to meet at Annapolis on the 26th.

Congress had now become a very small body, and the members very remiss in their attendance on its duties, insomuch, that a majority of the States, necessary by the Confederation to constitute a House even for minor business, did not assemble until the 13th of December.

They, as early as January 7, 1782, had turned

their attention to the moneys current in the several States, and had directed the Financier, Robert Morris, to report to them a table of rates, at which the foreign coins should be received at the treasury. That officer, or rather his assistant, Gouverneur Morris, answered them on the 15th, in an able and elaborate statement of the denominations of money current in the several States, and of the comparative value of the foreign coins chiefly in circulation with us. He went into the consideration of the necessity of establishing a standard of value with us, and of the adoption of a money Unit. He proposed for that Unit, such a fraction of pure silver as would be a common measure of the penny of every State, without leaving a fraction. This common divisor he found to be 1-1440 of a dollar, or 1-1600 of the crown sterling. The value of a dollar was, therefore, to be expressed by 1,440 units, and of a crown by 1,600; each Unit containing a quarter of a grain of fine silver. Congress turning again their attention to this subject the following year, the Financier, by a letter of April 30, 1783, further explained and urged the Unit he had proposed; but nothing more was done on it until the ensuing year, when it was again taken up, and referred to a committee, of which I was a member. The general views of the Financier were sound, and the principle was ingenious on which he proposed to found his Unit; but it was too minute for ordinary use, too laborious for computation, either by the head or in figures. The

price of a loaf of bread, 1-20 of a dollar, would be 72 units.

A pound of butter, 1-5 of a dollar, 288 units.

A horse or bullock, of eighty dollars value, would require a notation of six figures, to wit, 115,200, and the public debt, suppose of eighty millions, would require twelve figures, to wit, 115,200,000,000 units. Such a system of money-arithmetic would be entirely unmanageable for the common purposes of society. I proposed, therefore, instead of this, to adopt the Dollar as our Unit of account and payment, and that its divisions and sub-divisions should be in the decimal ratio. I wrote some notes on the subject, which I submitted to the consideration of the Financier. I received his answer and adherence to his general system, only agreeing to take for his Unit one hundred of those he first proposed, so that a Dollar should be 14 40-100, and a crown 16 units. I replied to this, and printed my notes and reply on a flying sheet, which I put into the hands of the members of Congress for consideration, and the Committee agreed to report on my principle. This was adopted the ensuing year, and is the system which now prevails. I insert, here, the Notes and Reply, as showing the different views on which the adoption of our money system hung.[1] The divisions into dimes, cents, and mills is now so well understood, that it would be easy of introduction into the kindred branches of weights and measures. I use

[1 See Appendix, note F.]

when I travel, an Odometer of Clarke's invention, which divides the mile into cents, and I find every one comprehends a distance readily, when stated to him in miles and cents; so he would in feet and cents, pounds and cents, &c.

The remissness of Congress, and their permanent session, began to be a subject of uneasiness; and even some of the legislatures had recommended to them intermissions, and periodical sessions. As the Confederation had made no provision for a visible head of the government, during vacations of Congress, and such a one was necessary to superintend the executive business, to receive and communicate with foreign ministers and nations, and to assemble Congress on sudden and extraordinary emergencies, I proposed, early in April, the appointment of a committee, to be called the "Committee of the States," to consist of a member from each State, who should remain in session during the recess of Congress: that the functions of Congress should be divided into executive and legislative, the latter to be reserved, and the former, by a general resolution, to be delegated to that Committee. This proposition was afterwards agreed to; a Committee appointed, who entered on duty on the subsequent adjournment of Congress, quarrelled very soon, split into two parties, abandoned their post, and left the government without any visible head, until the next meeting in Congress. We have since seen the same thing take place in the Directory of France; and I

believe it will forever take place in any Executive consisting of a plurality. Our plan, best, I believe, combines wisdom and practicability, by providing a plurality of Counsellors, but a single Arbiter for ultimate decision. I was in France when we heard of this schism, and separation of our Committee, and, speaking with Dr. Franklin of this singular disposition of men to quarrel, and divide into parties, he gave his sentiments, as usual, by way of Apologue. He mentioned the Eddystone lighthouse, in the British channel, as being built on a rock, in the mid-channel, totally inaccessible in winter, from the boisterous character of that sea, in that season; that, therefore, for the two keepers employed to keep up the lights, all provisions for the winter were necessarily carried to them in autumn, as they could never be visited again till the return of the milder season; that, on the first practicable day in the spring, a boat put off to them with fresh supplies. The boatmen met at the door one of the keepers, and accosted him with a "How goes it, friend? Very well. How is your companion? I do not know. Don't know? Is not he here? I can't tell. Have not you seen him to-day? No. When did you see him? Not since last fall. You have killed him? Not I, indeed." They were about to lay hold of him, as having certainly murdered his companion; but he desired them to go up stairs and examine for themselves. They went up, and there found the other keeper. They had quarrelled, it seems, soon

after being left there, had divided into two parties, assigned the cares below to one, and those above to the other, and had never spoken to, or seen, one another since.

But to return to our Congress at Annapolis. The definitive treaty of peace which had been signed at Paris on the 3d of September, 1783, and received here, could not be ratified without a House of nine States. On the 23d of December, therefore, we addressed letters to the several Governors, stating the receipt of the definitive treaty; that seven States only were in attendance, while nine were necessary to its ratification; and urging them to press on their delegates the necessity of their immediate attendance. And on the 26th, to save time, I moved that the Agent of Marine (Robert Morris) should be instructed to have ready a vessel at this place, at New York, and at some Eastern port, to carry over the ratification of the treaty when agreed to. It met the general sense of the House, but was opposed by Dr. Lee, on the ground of expense, which it would authorize the Agent to incur for us; and, he said, it would be better to ratify at once, and send on the ratification. Some members had before suggested, that sever States were competent to the ratification. My motion was therefore postponed, and another brought forward by Mr. Read, of South Carolina, for an immediate ratification. This was debated the 26th and 27th. Read, Lee, Williamson and Jeremiah Chase, urged that ratification was a mere

matter of form, that the treaty was conclusive from the moment it was signed by the ministers; that, although the Confederation requires the assent of *nine States* to *enter into* a treaty, yet, that its conclusion could not be called *entrance into it;* that supposing nine States requisite, it would be in the power of five States to keep us always at war; that nine States had virtually authorized the ratification, having ratified the provisional treaty, and instructed their ministers to agree to a definitive one in the same terms, and the present one was, in fact, substantially, and almost verbatim, the same; that there now remain but sixty-seven days for the ratification, for its passage across the Atlantic, and its exchange; that there was no hope of our soon having nine States present; in fact, that this was the ultimate point of time to which we could venture to wait; that if the ratification was not in Paris by the time stipulated, the treaty would become void; that if ratified by seven States, it would go under our seal, without its being known to Great Britain that only seven had concurred; that it was a question of which they had no right to take cognizance, and we were only answerable for it to our constituents; that it was like the ratification which Great Britain had received from the Dutch, by the negotiations of Sir William Temple.

On the contrary, it was argued by Monroe, Gerry, Howel, Ellery and myself, that by the modern usage of Europe, the ratification was considered as the act

which gave validity to a treaty, until which, it was not obligatory.[1] That the commission to the ministers reserved the ratification to Congress; that the treaty itself stipulated that it should be ratified; that it became a second question, who were competent to the ratification? That the Confederation expressly required nine States to enter into any treaty; that, by this, that instrument must have intended, that the assent of nine States should be necessary, as well to the *completion* as to the *commencement* of the treaty, its object having been to guard the rights of the Union in all those important cases where nine States are called for; that by the contrary construction, seven States, containing less than one-third of our whole citizens, might rivet on us a treaty, commenced indeed under commission and instructions from nine States, but formed by the minister in express contradiction to such instructions, and in direct sacrifice of the interests of so great a majority; that the definitive treaty was admitted not to be a verbal copy of the provisional one, and whether the departures from it were of substance, or not, was a question on which nine States alone were competent to decide; that the circumstances of the ratification of the provisional articles by nine States, the instructions to our ministers to form a definitive one by them, and their actual agreement in substance, do not render us competent to ratify in the present instance; if these

[1] Vattel L. 2, § 156. L. 4, § 77. 1. Mably Droit D'Europe, 86.

circumstances are in themselves a ratification, nothing further is requisite than to give attested copies of them, in exchange for the British ratification; if they are not, we remain where we were, without a ratification by nine States, and incompetent ourselves to ratify; that it was but four days since the seven States, now present, unanimously concurred in a resolution, to be forwarded to the Governors of the absent States, in which they stated, as a cause for urging on their delegates, that nine States were necessary to ratify the treaty; that in the case of the Dutch ratification, Great Britain had courted it, and therefore was glad to accept it as it was; that they knew our Constitution, and would object to a ratification by seven; that, if that circumstance was kept back, it would be known hereafter, and would give them ground to deny the validity of a ratification, into which they should have been surprised and cheated, and it would be a dishonorable prostitution of our seal; that there is a hope of nine States; that if the treaty would become null, if not ratified in time, it would not be saved by an imperfect ratification; but that, in fact, it would not be null, and would be placed on better ground, going in unexceptionable form, though a few days too late, and rested on the small importance of this circumstance, and the physical impossibilities which had prevented a punctual compliance in point of time; that this would be approved by all nations, and by Great Britain herself, if not

determined to renew the war, and if so determined, she would never want excuses, were this out of the way. Mr. Read gave notice, he should call for the yeas and nays; whereon those in opposition, prepared a resolution, expressing pointedly the reasons of their dissent from his motion. It appearing, however, that his proposition could not be carried, it was thought better to make no entry at all. Massachusetts alone would have been for it; Rhode Island, Pennsylvania and Virginia against it, Delaware, Maryland and North Carolina, would have been divided.

Our body was little numerous, but very contentious. Day after day was wasted on the most unimportant questions. A member, one of those afflicted with the morbid rage of debate, of an ardent mind, prompt imagination, and copious flow of words, who heard with impatience any logic which was not his own, sitting near me on some occasion of a trifling but wordy debate, asked me how I could sit in silence, hearing so much false reasoning, which a word should refute? I observed to him, that to refute indeed was easy, but to silence was impossible; that in measures brought forward by myself, I took the laboring oar, as was incumbent on me; but that in general, I was willing to listen; that if every sound argument or objection was used by some one or other of the numerous debaters, it was enough; if not, I thought it sufficient to suggest the omission, without going into a repetition of what had been

already said by others: that this was a waste and abuse of the time and patience of the House, which could not be justified. And I believe, that if the members of deliberate bodies were to observe this course generally, they would do in a day, what takes them a week; and it is really more questionable, than may at first be thought, whether Bonaparte's dumb legislature, which said nothing, and did much, may not be preferable to one which talks much, and does nothing. I served with General Washington in the legislature of Virginia, before the revolution, and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point, which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour? That one hundred and fifty lawyers should do business together, ought not to be expected. But to return again to our subject.

Those who thought seven States competent to the ratification, being very restless under the loss of their motion, I proposed, on the third of January, to meet them on middle ground, and therefore moved a resolution, which premised, that there were but seven States present, who were unanimous for the rati-

fication, but that they differed in opinion on the question of competency; that those however in the negative were unwilling that any powers which it might be supposed they possessed, should remain unexercised for the restoration of peace, provided it could be done, saving their good faith, and without importing any opinion of Congress, that seven States were competent, and resolving that the treaty be ratified so far as they had power; that it should be transmitted to our ministers, with instructions to keep it uncommunicated; to endeavor to obtain three months longer for exchange of ratifications; that they should be informed, that so soon as nine States shall be present, a ratification by nine shall be sent them: if this should get to them before the ultimate point of time for exchange, they were to use it, and not the other; if not, they were to offer the act of the seven States in exchange, informing them the treaty had come to hand while Congress was not in session; that but seven States were as yet assembled, and these had unanimously concurred in the ratification. This was debated on the third and fourth; and on the fifth, a vessel being to sail for England, from this port (Annapolis), the House directed the President to write to our ministers accordingly.

January 14. Delegates from Connecticut having attended yesterday, and another from South Carolina coming in this day, the treaty was ratified without a dissenting voice; and three instruments

of ratification were ordered to be made out, one of which was sent by Colonel Harmer, another by Colonel Franks, and the third transmitted to the Agent of Marine, to be forwarded by any good opportunity.

Congress soon took up the consideration of their foreign relations. They deemed it necessary to get their commerce placed with every nation, on a footing as favorable as that of other nations; and for this purpose, to propose to each a distinct treaty of commerce. This act too would amount to an acknowledgment, by each, of our independence, and of our reception into the fraternity of nations; which, although as possessing our station of right, and in fact we would not condescend to ask, we were not unwilling to furnish opportunities for receiving their friendly salutations and welcome. With France, the United Netherlands, and Sweden, we had already treaties of commerce; but commissions were given for those countries also, should any amendments be thought necessary. The other States to which treaties were to be proposed, were England, Hamburg, Saxony, Prussia, Denmark, Russia, Austria, Venice, Rome, Naples, Tuscany, Sardinia, Genoa, Spain, Portugal, the Porte, Algiers, Tripoli, Tunis, and Morocco.

On the 7th of May Congress resolved that a Minister Plenipotentiary should be appointed, in addition to Mr. Adams and Dr. Franklin, for negotiating treaties of commerce with foreign nations, and I was

elected to that duty. I accordingly left Annapolis on the 11th, took with me my eldest daughter, then at Philadelphia (the two others being too young for the voyage), and proceeded to Boston, in quest of a passage. While passing through the different States, I made a point of informing myself of the state of the commerce of each; went on to New Hampshire with the same view, and returned to Boston. Thence I sailed on the 5th of July, in the Ceres, a merchant ship of Mr. Nathaniel Tracey, bound to Cowes. He was himself a passenger, and, after a pleasant voyage of nineteen days, from land to land, we arrived at Cowes on the 26th. I was detained there a few days by the indisposition of my daughter. On the 30th, we embarked for Havre, arrived there on the 31st, left it on the 3d of August, and arrived at Paris on the 6th. I called immediately on Dr. Franklin, at Passy, communicated to him our charge, and we wrote to Mr. Adams, then at the Hague, to join us at Paris.

Before I had left America, that is to say, in the year 1781, I had received a letter from M. de Marbois, of the French legation in Philadelphia, informing me, he had been instructed by his government to obtain such statistical accounts of the different States of our Union, as might be useful for their information; and addressing to me a number of queries relative to the State of Virginia. I had always made it a practice, whenever an opportunity occurred of obtaining any information of our coun-

try, which might be of use to me in any station, public or private, to commit it to writing. These memoranda were on loose papers, bundled up without order, and difficult of recurrence, when I had occasion for a particular one. I thought this a good occasion to embody their substance, which I did in the order of Mr. Marbois' queries, so as to answer his wish, and to arrange them for my own use. Some friends, to whom they were occasionally communicated, wished for copies; but their volume rendering this too laborious by hand, I proposed to get a few printed, for their gratification. I was asked such a price, however, as exceeded the importance of the object. On my arrival at Paris, I found it could be done for a fourth of what I had been asked here. I therefore corrected and enlarged them, and had two hundred copies printed, under the title of "Notes on Virginia." I gave a very few copies to some particular friends in Europe, and sent the rest to my friends in America. A European copy, by the death of the owner, got into the hands of a bookseller, who engaged its translation, and when ready for the press, communicated his intentions and manuscript to me, suggesting that I should correct it, without asking any other permission for the publication. I never had seen so wretched an attempt at translation. Interverted, abridged, mutilated, and often reversing the sense of the original, I found it a blotch of errors, from beginning to end. I corrected some of the most material, and, in that form,

it was printed in French. A London bookseller, on seeing the translation, requested me to permit him to print the English original. I thought it best to do so, to let the world see that it was not really so bad as the French translation had made it appear. And this is the true history of that publication.

Mr. Adams soon joined us at Paris, and our first employment was to prepare a general form, to be proposed to such nations as were disposed to treat with us. During the negotiations for peace with the British Commissioner, David Hartley, our Commissioners had proposed, on the suggestion of Dr. Franklin, to insert an article, exempting from capture by the public or private armed ships, of either belligerent, when at war, all merchant vessels and their cargoes, employed merely in carrying on the commerce between nations. It was refused by England, and unwisely, in my opinion. For, in the case of a war with us, their superior commerce places infinitely more at hazard on the ocean, than ours; and, as hawks abound in proportion to game, so our privateers would swarm, in proportion to the wealth exposed to their prize, while theirs would be few, for want of subjects of capture. We inserted this article in our form, with a provision against the molestation of fishermen, husbandmen, citizens unarmed, and following their occupations in unfortified places, for the humane treatment of prisoners of war, the abolition of contraband of war, which exposes merchant vessels to such vexatious and ruinous

detentions and abuses; and for the principle of free bottoms, free goods.

In a conference with the Count de Vergennes, it was thought better to leave to legislative regulation, on both sides, such modifications of our commercial intercourse, as would voluntarily flow from amicable dispositions. Without urging, we sounded the ministers of the several European nations, at the court of Versailles, on their dispositions towards mutual commerce, and the expediency of encouraging it by the protection of a treaty. Old Frederic, of Prussia, met us cordially, and without hesitation, and appointing the Baron de Thulemeyer, his minister at the Hague, to negotiate with us, we communicated to him our Projét, which, with little alteration by the King, was soon concluded. Denmark and Tuscany, entered also into negotiations with us. Other powers appearing indifferent; we did not think it proper to press them. They seemed, in fact, to know little about us, but as rebels, who had been successful in throwing off the yoke of the mother country. They were ignorant of our commerce, which had been always monopolized by England, and of the exchange of articles it might offer advantageously to both parties. They were inclined, therefore, to stand aloof, until they could see better what relations might be usefully instituted with us. The negotiations, therefore, begun with Denmark and Tuscany, we protracted designedly, until our powers had expired; and abstained

from making new propositions to others having no colonies; because our commerce being an exchange of raw for wrought materials, is a competent price for admission into the colonies of those possessing them; but were we to give it, without price, to others, all would claim it, without price, on the ordinary ground of *gentis amicissimæ*.

Mr. Adams being appointed Minister Plenipotentiary of the United States, to London, left us in June, and in July, 1785, Dr. Franklin returned to America, and I was appointed his successor at Paris. In February, 1786, Mr. Adams wrote to me, pressingly, to join him in London immediately, as he thought he discovered there some symptoms of better disposition towards us. Colonel Smith, his secretary of legation, was the bearer of his urgencies for my immediate attendance. I, accordingly, left Paris on the 1st of March, and, on my arrival in London, we agreed on a very summary form of treaty, proposing an exchange of citizenship for our citizens, our ships, and our productions generally, except as to office. On my presentation, as usual, to the King and Queen, at their levées, it was impossible for anything to be more ungracious, than their notice of Mr. Adams and myself. I saw, at once, that the ulcerations of mind in that quarter, left nothing to be expected on the subject of my attendance; and, on the first conference with the Marquis of Caermarthen, the Minister for foreign affairs, the distance and disinclination which he

betrayed in his conversation, the vagueness and evasions of his answers to us, confirmed me in the belief of their aversion to have anything to do with us. We delivered him, however, our Projét, Mr. Adams not despairing as much as I did, of its effect. We afterwards, by one or more notes, requested his appointment of an interview and conference, which, without directly declining, he evaded, by pretences of other pressing occupations for the moment. After staying there seven weeks, till within a few days of the expiration of our commission, I informed the minister, by note, that my duties at Paris required my return to that place, and that I should, with pleasure, be the bearer of any commands to his Ambassador there. He answered, that he had none, and, wishing me a pleasant journey, I left London the 26th, and arrived at Paris the 30th of April.

While in London, we entered into negotiations with the Chevalier Pinto, Ambassador of Portugal, at that place. The only article of difficulty between us was, a stipulation that our bread stuff should be received in Portugal, in the form of flour as well as of grain. He approved of it himself, but observed that several Nobles, of great influence at their court, were the owners of wind-mills in the neighborhood of Lisbon, which depended much for their profits on manufacturing our wheat, and that this stipulation would endanger the whole treaty. He signed it, however, and its fate was what he had candidly portended.

My duties, at Paris, were confined to a few objects; the receipt of our whale-oils, salted fish, and salted meats, on favorable terms; the admission of our rice on equal terms with that of Piedmont, Egypt and the Levant; a mitigation of the monopolies of our tobacco by the Farmers-general, and a free admission of our productions into their islands, were the principal commercial objects which required attention; and, on these occasions, I was powerfully aided by all the influence and the energies of the Marquis de La Fayette, who proved himself equally zealous for the friendship and welfare of both nations; and, in justice, I must also say, that I found the government entirely disposed to befriend us on all occasions, and to yield us every indulgence, not absolutely injurious to themselves. The Count de Vergennes had the reputation, with the diplomatic corps, of being wary and slippery in his diplomatic intercourse; and so he might be with those whom he knew to be slippery, and double-faced themselves. As he saw that I had no indirect views, practised no subtleties, meddled in no intrigues, pursued no concealed object, I found him as frank, as honorable, as easy of access to reason, as any man with whom I had ever done business; and I must say the same for his successor, Montmorin, one of the most honest and worthy of human beings.

Our commerce, in the Mediterranean, was placed under early alarm, by the capture of two of our ves-

sels and crews by the Barbary cruisers. I was very unwilling that we should acquiesce in the European humiliation, of paying a tribute to those lawless pirates, and endeavored to form an association of the powers subject to habitual depredations from them. I accordingly prepared, and proposed to their Ministers at Paris, for consultation with their governments, articles of a special confederation, in the following form:

"Proposals for concerted operation among the powers at war with the piratical States of Barbary.

1. "It is proposed, that the several powers at war with the piratical States of Barbary, or any two or more of them who shall be willing, shall enter into a convention to carry on their operations against those States, in concert, beginning with the Algerines.

2. "This convention shall remain open to any other powers, who shall, at any future time, wish to accede to it; the parties reserving the right to prescribe the conditions of such accession, according to the circumstances existing at the time it shall be proposed.

3. "The object of the convention shall be, to compel the piratical States to perpetual peace, without price, and to guarantee that peace to each other.

4. "The operations for obtaining this peace shall be constant cruises on their coast, with a naval force now to be agreed on. It is not proposed that this force shall be so considerable as to be inconvenient

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to any party. It is believed that half a dozen frigates, with as many Tenders or Xebecs, one half of which shall be in cruise, while the other half is at rest, will suffice.

5. "The force agreed to be necessary, shall be furnished by the parties, in certain quotas, now to be fixed; it being expected, that each will be willing to contribute, in such proportion as circumstances may render reasonable.

6. "As miscarriages often proceed from the want of harmony among officers of different nations, the parties shall now consider and decide, whether it will not be better to contribute their quotas in money, to be employed in fitting out and keeping on duty, a single fleet of the force agreed on.

7. "The difficulties and delays, too, which will attend the management of these operations, if conducted by the parties themselves separately, distant as their courts may be from one another, and incapable of meeting in consultation, suggest a question, whether it will not be better for them to give full powers, for that purpose, to their Ambassadors, or other Ministers resident at some one court of Europe, who shall form a Committee, or Council, for carrying this convention into effect; wherein, the vote of each member shall be computed in proportion to the quota of his sovereign, and the majority so computed, shall prevail in all questions within the view of this convention. The court of Versailles is proposed, on account of its neighborhood to the

Mediterranean, and because all those powers are represented there, who are likely to become parties to this convention.

8. "To save to that Council the embarrassment of personal solicitations for office, and to assure the parties that their contributions will be applied solely to the object for which they are destined, there shall be no establishment of officers for the said Council, such as Commissioners, Secretaries, or any other kind, with either salaries or perquisites, nor any other lucrative appointments but such whose functions are to be exercised on board the said vessels.

9. "Should war arise between any two of the parties to this convention, it shall not extend to this enterprise, nor interrupt it; but as to this they shall be reputed at peace.

10. "When Algiers shall be reduced to peace, the other piratical States, if they refuse to discontinue their piracies, shall become the objects of this convention, either successively or together, as shall seem best.

11. "Where this convention would interfere with treaties actually existing between any of the parties and the States of Barbary, the treaty shall prevail, and such party shall be allowed to withdraw from the operations against that State."

Spain had just concluded a treaty with Algiers, at the expense of three millions of dollars, and did not like to relinquish the benefit of that, until the other party should fail in their observance of it.

Portugal, Naples, the two Sicilies, Venice, Malta, Denmark and Sweden, were favorably disposed to such an association; but their representatives at Paris expressed apprehensions that France would interfere, and, either openly or secretly, support the Barbary powers; and they required, that I should ascertain the dispositions of the Count de Vergennes on the subject. I had before taken occasion to inform him of what we were proposing, and, therefore, did not think it proper to insinuate any doubt of the fair conduct of his government; but, stating our propositions, I mentioned the apprehensions entertained by us, that England would interfere in behalf of those piratical governments. "She dares not do it," said he. I pressed it no further. The other Agents were satisfied with this indication of his sentiments, and nothing was now wanting to bring it into direct and formal consideration, but the assent of our government, and their authority to make the formal proposition. I communicated to them the favorable prospect of protecting our commerce from the Barbary depredations, and for such a continuance of time, as, by an exclusion of them from the sea, to change their habits and characters, from a predatory to an agricultural people: towards which, however, it was expected they would contribute a frigate, and its expenses, to be in constant cruise. But they were in no condition to make any such engagement. Their recommendatory powers for obtaining contributions, were so openly neglected

by the several States, that they declined an engagement which they were conscious they could not fulfil with punctuality; and so it fell through.

[1] In 1786, while at Paris, I became acquainted with John Ledyard, of Connecticut, a man of genius, of some science, and of fearless courage and enterprise. He had accompanied Captain Cook in his voyage to the Pacific, had distinguished himself on several occasions by an unrivalled intrepidity, and published an account of that voyage, with details unfavorable to Cook's deportment towards the savages, and lessening our regrets at his fate. Ledyard had come to Paris, in the hope of forming a company to engage in the fur trade of the Western coast of America. He was disappointed in this, and, being out of business, and of a roaming, restless character, I suggested to him the enterprise of exploring the Western part of our continent, by passing through St. Petersburg to Kamschatka, and procuring a passage thence in some of the Russian vessels to Nootka Sound, whence he might make his way across the continent to the United States; and I undertook to have the permission of the Empress of Russia solicited. He eagerly embraced the proposition, and M. de Sémoulin, the Russian Ambassador, and more particularly Baron Grimm, the special correspondent of the Empress, solicited her permission for him to pass through

[[1] In the original MS., the paragraph ending "fell through," terminates page 81; between this page and the next, there is stitched in, a leaf of old writing, constituting a memorandum, whereof note G. in the Appendix, is a copy.]

her dominions, to the Western coast of America. And here I must correct a material error, which I have committed in another place, to the prejudice of the Empress. In writing some notes of the life of Captain Lewis, prefixed to his "Expedition to the Pacific," I stated that the Empress gave the permission asked, and afterwards retracted it. This idea, after a lapse of twenty-six years, had so insinuated itself into my mind, that I committed it to paper, without the least suspicion of error. Yet I find, on recurring to my letters of that date, that the Empress refused permission at once, considering the enterprise as entirely chimerical. But Ledyard would not relinquish it, persuading himself that, by proceeding to St. Petersburg, he could satisfy the Empress of its practicability, and obtain her permission. He went accordingly, but she was absent on a visit to some distant part of her dominions,[1] and he pursued his course to within two hundred miles of Kamschatka, where he was overtaken by an arrest from the Empress, brought back to Poland, and there dismissed. I must therefore, in justice, acquit the Empress of ever having for a moment countenanced, even by the indulgence of an innocent passage through her territories, this interesting enterprise.

The pecuniary distresses of France produced this year a measure of which there had been no example for nearly two centuries, and the consequences of which, good and evil, are not yet calculable. For its remote causes, we must go a little back.

[1] The Crimea.

Celebrated writers of France and England had already sketched good principles on the subject of government; yet the American Revolution seems first to have awakened the thinking part of the French nation in general, from the sleep of despotism in which they were sunk. The officers too, who had been to America, were mostly young men, less shackled by habit and prejudice, and more ready to assent to the suggestions of common sense, and feeling of common rights, than others. They came back with new ideas and impressions. The press, notwithstanding its shackles, began to disseminate them; conversation assumed new freedoms; Politics became the theme of all societies, male and female, and a very extensive and zealous party was formed, which acquired the appellation of the Patriotic party, who, sensible of the abusive government under which they lived, sighed for occasions of reforming it. This party comprehended all the honesty of the kingdom, sufficiently at leisure to think, the men of letters, the easy Bourgeois, the young nobility, partly from reflection, partly from mode; for these sentiments became matter of mode, and as such, united most of the young women to the party. Happily for the nation, it happened, at the same moment, that the dissipations of the Queen and court, the abuses of the pension-list, and dilapidations in the administration of every branch of the finances, had exhausted the treasures and credit of the nation, insomuch that its most necessary functions were paralyzed. To reform

these abuses would have overset the Minister; to impose new taxes by the authority of the King, was known to be impossible, from the determined opposition of the Parliament to their enregistry. No resource remained then, but to appeal to the nation. He advised, therefore, the call of an Assembly of the most distinguished characters of the nation, in the hope that, by promises of various and valuable improvements in the organization and regimen of the government, they would be induced to authorize new taxes, to control the opposition of the Parliament, and to raise the annual revenue to the level of expenditures. An Assembly of Notables therefore, about one hundred and fifty in number, named by the King, convened on the 22d of February. The Minister (Calonne) stated to them, that the annual excess of expenses beyond the revenue, when Louis XVI. came to the throne, was thirty-seven millions of livres; that four hundred and forty millions had been borrowed to re-establish the navy; that the American war had cost them fourteen hundred and forty millions (two hundred and fifty-six millions of dollars), and that the interest of these sums, with other increased expenses, had added forty millions more to the annual deficit. (But a subsequent and more candid estimate made it fifty-six millions.) He proffered them a universal redress of grievances, laid open those grievances fully, pointed out sound remedies, and, covering his canvas with objects of this magnitude, the deficit dwindled to a little acces-

sory, scarcely attracting attention. The persons chosen were the most able and independent characters in the kingdom, and their support, if it could be obtained, would be enough for him. They improved the occasion for redressing their grievances, and agreed that the public wants should be relieved; but went into an examination of the causes of them. It was supposed that Calonne was conscious that his accounts could not bear examination; and it was said, and believed, that he asked of the King, to send four members to the Bastile, of whom the Marquis de La Fayette was one, to banish twenty others, and two of his Ministers. The King found it shorter to banish him. His successor went on in full concert with the Assembly. The result was an augmentation of the revenue, a promise of economies in its expenditure, of an annual settlement of the public accounts before a council, which the Comptroller, having been heretofore obliged to settle only with the King in person, of course never settled at all; an acknowledgment that the King could not lay a new tax, a reformation of the Criminal laws, abolition of torture, suppression of corvees, reformation of the gabelles, removal of the interior Custom Houses, free commerce of grain, internal and external, and the establishment of Provincial Assemblies; which, altogether, constituted a great mass of improvement in the condition of the nation. The establishment of the Provincial Assemblies was, in itself, a fundamental improvement. They would be of the choice

of the people, one-third renewed every year, in those provinces where there are no States, that is to say, over about three-fourths of the kingdom. They would be partly an Executive themselves, and partly an Executive Council to the Intendant, to whom the Executive power, in his province, had been heretofore entirely delegated. Chosen by the people, they would soften the execution of hard laws, and, having a right of representation to the King, they would censure bad laws, suggest good ones, expose abuses, and their representations, when united, would command respect. To the other advantages, might be added the precedent itself of calling the Assemblée des Notables, which would perhaps grow into habit. The hope was, that the improvements thus promised would be carried into effect; that they would be maintained during the present reign, and that that would be long enough for them to take some root in the constitution, so that they might come to be considered as a part of that, and be protected by time, and the attachment of the nation.

The Count de Vergennes had died a few days before the meeting of the Assembly, and the Count de Montmorin had been named Minister of Foreign Affairs, in his place. Villedeuil succeeded Calonne, as Comptroller General, and Lomenie de Bryenne, Archbishop of Thoulouse, afterwards of Sens, and ultimately Cardinal Lomenie, was named Minister principal, with whom the other Ministers were to transact the business of their departments, heretofore done with the

King in person; and the Duke de Nivernois, and M. de Malesherbes, were called to the Council. On the nomination of the Minister principal, the Marshals de Segur and de Castries retired from the departments of War and Marine, unwilling to act subordinately, or to share the blame of proceedings taken out of their direction. They were succeeded by the Count de Brienne, brother of the Prime Minister, and the Marquis de La Luzerne, brother to him who had been Minister in the United States.

A dislocated wrist, unsuccessfully set, occasioned advice from my surgeon, to try the mineral waters of Aix, in Provence, as a corroborant. I left Paris for that place therefore, on the 28th of February, and proceeded up the Seine, through Champagne and Burgundy, and down the Rhone through the Beaujolais by Lyons, Avignon, Nismes to Aix; where, finding on trial no benefit from the waters, I concluded to visit the rice country of Piedmont, to see if anything might be learned there, to benefit the rivalship of our Carolina rice with that, and thence to make a tour of the seaport towns of France, along its Southern and Western coast, to inform myself, if anything could be done to favor our commerce with them. From Aix, therefore, I took my route by Marseilles, Toulon, Hieres, Nice, across the Col de Tende, by Coni, Turin, Vercelli, Novara, Milan, Pavia, Novi, Genoa. Thence, returning along the coast of Savona, Noli, Albenga, Oneglia, Monaco, Nice, Antibes, Frejus, Aix, Marseilles, Avignon, Nismes,

Montpellier, Frontignan, Cette, Agde, and along the canal of Languedoc, by Bezieres, Narbonne, Cascassonne, Castelnaudari, through the Souterrain of St. Feriol, and back by Castelnaudari, to Toulouse; thence to Montauban, and down the Garonne by Langon to Bordeaux. Thence to Rochefort, la Rochelle, Nantes, L'Orient; then back by Rennes to Nantes, and up the Loire by Angers, Tours, Amboise, Blois to Orleans, thence direct to Paris, where I arrived on the 10th of June. Soon after my return from this journey, to wit, about the latter part of July, I received my younger daughter, Maria, from Virginia, by the way of London, the youngest having died some time before.

The treasonable perfidy of the Prince of Orange, Stadtholder and Captain General of the United Netherlands, in the war which England waged against them, for entering into a treaty of commerce with the United States, is known to all. As their Executive officer, charged with the conduct of the war, he contrived to baffle all the measures of the States General, to dislocate all their military plans and played false into the hands of England against his own country, on every possible occasion, confident in her protection, and in that of the King of Prussia, brother to his Princess. The States General, indignant at this patricidal conduct, applied to France for aid, according to the stipulations of the treaty concluded with her in '85. It was assured to them readily, and in cordial terms, in a letter from

the Count de Vergennes, to the Marquis de Verac, Ambassador of France at the Hague, of which the following is an extract:

"Extrait de la depéche de Monsieur le Comte de Vergennes à Monsieur le Marquis de Verac, Ambassadeur de France à la Haye, du 1er Mars, 1786.

"Le Roi concourrera, autant, qu'il sera en son pouvoir, au succes de la chose, et vous inviterez, de sa part, les patriotes de lui communiquer leurs vues, leurs plans, et leurs envieux. Vous les assurerez, que le roi prend un interêt veritable à leurs personnes comme à leur cause, et qu' ils peuvent compter sur sa protection. Ils doivent y compter d'autant plus, Monsieur, que nous ne dissimulons pas, que si Monsieur le Stadhoulder reprend son ancienne influence, le systeme Anglois ne tardera pas de prevaloir, et que notre alliance deviendroit un être de raison. Les Patriotes sentiront facilement, que cette position seroit incompatible avec la dignité, comme avec la consideration de sa majesté. Mais dans le cas, Monsieur, ou les chefs des Patriotes auroient à craindre une scission, ils auroient le temps suffisant pour ramener ceux de leurs amis, que les Anglomanes ont egarés, et preparer les choses, de manière que la question de nouveau mise en deliberation, soit decidée selon leurs desirs. Dans cette hypothese, le roi vous autorise à agir de concert avec eux, de suivre la direction qu' ils jugeront devoir vous donner, et d'employer tous les moyens pour augmenter le nombre des partisans de la bonne cause.

Il me reste, Monsieur, de vous parler de la sureté personelle des Patriotes. Vous les assurerez, que dans tout etat de cause, le roi les prend sous sa protection immediate, et vous ferez connoitre, partout ou vous le jugerez necessaire, que sa Majesté regarderoit comme une offense personnelle, tout ce qu' on entreprenderoit contre leur liberté. Il est à presumer que ce langage, tenu avec energie, en imposera à l'audace des Anglomanes, et que Monsieur le Prince de Nassau croira courir quelque risque en provoquant le ressentiment de sa Majesté."[1]

This letter was communicated by the Patriots to

[1] Extract from the despatch of the Count de Vergennes, to the Marquis de Verac, Ambassador from France, at the Hague, dated March 1, 1786:

"The King will give his aid, as far as may be in his power, towards the success of the affair, and will, on his part, invite the Patriots to communicate to him their views, their plans, and their discontents. You may assure them that the King takes a real interest in themselves as well as their cause, and that they may rely upon his protection. On this they may place the greater dependence, as we do not conceal, that if the Stadtholder resumes his former influence, the English System will soon prevail, and our alliance become a mere affair of the imagination. The Patriots will readily feel, that this position would be incompatible both with the dignity and consideration of his Majesty. But in case the Chief of the Patriots should have to fear a division, they would have time sufficient to reclaim those whom the Anglomaniacs had misled, and to prepare matters in such a manner, that the question when again agitated, might be decided according to their wishes. In such a hypothetical case, the King authorizes you to act in concert with them, to pursue the direction which they may think proper to give you, and to employ every means to augment the number of the partisans of the good cause. It remains for me to speak of the personal security of the Patriots. You may assure them, that under every circumstance, the King will take them under his immediate protection, and you will make known wherever you may judge neces-

me, when at Amsterdam, in 1788, and a copy sent by me to Mr. Jay, in my letter to him of March 16, 1788.

The object of the Patriots was, to establish a representative and republican government. The majority of the States General were with them, but the majority of the populace of the towns was with the Prince of Orange; and that populace was played off with great effect, by the triumvirate of * * * Harris, the English Ambassador, afterwards Lord Malmesbury, the Prince of Orange, a stupid man, and the Princess as much a man as either of her colleagues, in audaciousness, in enterprise, and in the thirst of domination. By these, the mobs of the Hague were excited against the members of the States General; their persons were insulted and endangered in the streets; the sanctuary of their houses was violated; and the Prince, whose function and duty it was to repress and punish these violations of order, took no steps for that purpose. The States General, for their own protection, were therefore obliged to place their militia under the command of a Committee. The Prince filled the courts of London and Berlin with complaints at this usurpation of his prerogatives, and, forgetting that he was but the first servant of a Republic, marched his

sary, that his Majesty will regard as a personal offence every undertaking against their liberty. It is to be presumed that this language, energetically maintained, may have some effect on the audacity of the Anglomaniacs, and that the Prince de Nassau will feel that he runs some risk in provoking the resentment of his Majesty."]

regular troops against the city of Utrecht, where the States were in session. They were repulsed by the militia. His interests now became marshalled with those of the public enemy, and against his own country. The States, therefore, exercising their rights of sovereignty, deprived him of all his powers. The great Frederic had died in August, '86. He had never intended to break with France in support of the Prince of Orange. During the illness of which he died, he had, through the Duke of Brunswick, declared to the Marquis de La Fayette, who was then at Berlin, that he meant not to support the English interest in Holland: that he might assure the government of France, his only wish was, that some honorable place in the Constitution should be reserved for the Stadtholder and his children, and that he would take no part in the quarrel, unless an entire abolition of the Stadtholderate should be attempted. But his place was now occupied by Frederic William, his great nephew, a man of little understanding, much caprice, and very inconsiderate; and the Princess, his sister, although her husband was in arms against the legitimate authorities of the country, attempting to go to Amsterdam, for the purpose of exciting the mobs of that place, and being refused permission to pass a military post on the way, he put the Duke of Brunswick at the head of twenty thousand men, and made demonstrations of marching on Holland. The King of France hereupon declared, by his Chargé des Affaires

in Holland, that if the Prussian troops continued to menace Holland with an invasion, his Majesty, in quality of Ally, was determined to succor that province. In answer to this, Eden gave official information to Count Montmorin, that England must consider as at an end its convention with France relative to giving notice of its naval armaments, and that she was arming generally. War being now imminent, Eden, since Lord Aukland, questioned me on the effect of our treaty with France, in the case of a war, and what might be our dispositions. I told him frankly, and without hesitation, that our dispositions would be neutral, and that I thought it would be the interest of both these powers that we should be so; because, it would relieve both from all anxiety as to feeding their West India islands; that England, too, by suffering us to remain so, would avoid a heavy land war on our Continent, which might very much cripple her proceedings elsewhere; that our treaty, indeed, obliged us to receive into our ports the armed vessels of France, with their prizes, and to refuse admission to the prizes made on her by her enemies: that there was a clause, also, by which we guaranteed to France her American possessions, which might perhaps force us into the war, if these were attacked. "Then it will be war," said he, "for they will assuredly be attacked." Liston, at Madrid, about the same time, made the same inquiries of Carmichael. The Government of France then declared a determination to form a

camp of observation at Givet, commenced arming her marine, and named the Bailli de Suffrein their Generalissimo on the Ocean. She secretly engaged, also, in negotiations with Russia, Austria, and Spain, to form a quadruple alliance. The Duke of Brunswick having advanced to the confines of Holland, sent some of his officers to Givet, to reconnoitre the state of things there, and report them to him. He said afterwards, that "if there had been only a few tents at that place, he should not have advanced further, for that the King would not, merely for the interest of his sister, engage in a war with France." But, finding that there was not a single company there, he boldly entered the country, took their towns as fast as he presented himself before them, and advanced on Utrecht. The States had appointed the Rhingrave of Salm their Commander-in-Chief; a Prince without talents, without courage, and without principle. He might have held out in Utrecht for a considerable time, but he surrendered the place without firing a gun, literally ran away and hid himself, so that for months it was not known what had become of him. Amsterdam was then attacked, and capitulated. In the meantime, the negotiations for the quadruple alliance were proceeding favorably; but the secrecy with which they were attempted to be conducted, was penetrated by Fraser, Chargé d'Affaires of England at St. Petersburg, who instantly notified his court, and gave the alarm to Prussia. The King saw at once what

would be his situation, between the jaws of France, Austria, and Russia. In great dismay, he besought the court of London not to abandon him, sent Alvensleben to Paris to explain and soothe; and England, through the Duke of Dorset and Eden, renewed her conferences for accommodation. The Archbishop, who shuddered at the idea of war, and preferred a peaceful surrender of right to an armed vindication of it, received them with open arms, entered into cordial conferences, and a declaration, and counter-declaration, were cooked up at Versailles, and sent to London for approbation. They were approved there, reached Paris at one o'clock of the 27th, and were signed that night at Versailles. It was said and believed at Paris, that M. de Montmorin, literally "pleuroit comme un enfant," when obliged to sign this counter-declaration; so distressed was he by the dishonor of sacrificing the Patriots, after assurances so solemn of protection, and absolute encouragement to proceed. The Prince of Orange was reinstated in all his powers, now become regal. A great emigration of the Patriots took place; all were deprived of office, many exiled, and their property confiscated. They were received in France, and subsisted, for some time, on her bounty. Thus fell Holland, by the treachery of her Chief, from her honorable independence, to become a province of England; and so, also, her Stadtholder, from the high station of the first citizen of a free Republic, to be the servile Viceroy of a foreign

Sovereign. And this was effected by a mere scene of bullying and demonstration; not one of the parties, France, England, or Prussia, having ever really meant to encounter actual war for the interest of the Prince of Orange. But it had all the effect of a real and decisive war.

Our first essay, in America, to establish a federative government had fallen, on trial, very short of its object. During the war of Independence, while the pressure of an external enemy hooped us together, and their enterprises kept us necessarily on the alert, the spirit of the people, excited by danger, was a supplement to the Confederation, and urged them to zealous exertions, whether claimed by that instrument or not; but, when peace and safety were restored, and every man became engaged in useful and profitable occupation, less attention was paid to the calls of Congress. The fundamental defect of the Confederation was, that Congress was not authorized to act immediately on the people, and by its own officers. Their power was only requisitory, and these requisitions were addressed to the several Legislatures, to be by them carried into execution, without other coercion than the moral principle of duty. This allowed, in fact, a negative to every Legislature, on every measure proposed by Congress; a negative so frequently exercised in practice, as to benumb the action of the Federal government, and to render it inefficient in its general objects, and more especially in pecuniary and foreign

concerns. The want, too, of a separation of the Legislative, Executive, and Judiciary functions, worked disadvantageously in practice. Yet this state of things afforded a happy augury of the future march of our Confederacy, when it was seen that the good sense and good dispositions of the people, as soon as they perceived the incompetence of their first compact, instead of leaving its correction to insurrection and civil war, agreed, with one voice, to elect deputies to a general Convention, who should peaceably meet and agree on such a Constitution as "would ensure peace, justice, liberty, the common defence and general welfare."

This Convention met at Philadelphia on the 25th of May, '87. It sat with closed doors, and kept all its proceedings secret, until its dissolution on the 17th of September, when the results of its labors were published all together. I received a copy, early in November, and read and contemplated its provisions with great satisfaction. As not a member of the Convention, however, nor probably a single citizen of the Union, had approved it in all its parts, so I, too, found articles which I thought objectionable. The absence of express declarations ensuring freedom of religion, freedom of the press, freedom of the person under the uninterrupted protection of the Habeas corpus, and trial by jury in Civil as well as in Criminal cases, excited my jealousy; and the re-eligibility of the President for life, I quite disapproved. I expressed freely, in letters to my friends,

and most particularly to Mr. Madison and General Washington, my approbations and objections. How the good should be secured and the ill brought to rights, was the difficulty. To refer it back to a new Convention might endanger the loss of the whole. My first idea was, that the nine States first acting, should accept it unconditionally, and thus secure what in it was good, and that the four last should accept on the previous condition, that certain amendments should be agreed to; but a better course was devised, of accepting the whole, and trusting that the good sense and honest intentions of our citizens, would make the alterations which should be deemed necessary. Accordingly, all accepted, six without objection, and seven with recommendations of specified amendments. Those respecting the press, religion, and juries, with several others, of great value, were accordingly made; but the Habeas corpus was left to the discretion of Congress, and the amendment against the re-eligibility of the President was not proposed. My fears of that feature were founded on the importance of the office, on the fierce contentions it might excite among ourselves, if continuable for life, and the dangers of interference, either with money or arms, by foreign nations, to whom the choice of an American President might become interesting. Examples of this abounded in history; in the case of the Roman Emperors, for instance; of the Popes, while of any significance; of the German Emperors; the Kings of Poland, and the Deys of Barbary. I had

observed, too, in the feudal history, and in the recent instance, particularly, of the Stadtholder of Holland, how easily offices, or tenures for life, slide into inheritances. My wish, therefore, was, that the President should be elected for seven years, and be ineligible afterwards. This term I thought sufficient to enable him, with the concurrence of the Legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted, I think, is better, allowing his continuance for eight years, with a liability to be dropped at half way of the term, making that a period of probation. That his continuance should be restrained to seven years, was the opinion of the Convention at an earlier stage of its session, when it voted that term, by a majority of eight against two, and by a simple majority that he should be ineligible a second time. This opinion was confirmed by the House so late as July 26, referred to the Committee of detail, reported favorably by them, and changed to the present form by final vote, on the last day but one only of their session. Of this change, three States expressed their disapprobation; New York, by recommending an amendment, that the President should not be eligible a third time, and Virginia and North Carolina that he should not be capable of serving more than eight, in any term of sixteen years; and though this amendment has not been made in form, yet practice seems to have established it. The example of four Presidents voluntarily retiring at the end of their eighth

year, and the progress of public opinion, that the principle is salutary, have given it in practice the force of precedent and usage; insomuch, that, should a President consent to be a candidate for a third election, I trust he would be rejected, on this demonstration of ambitious views.

But there was another amendment, of which none of us thought at the time, and in the omission of which, lurks the germ that is to destroy this happy combination of National powers in the General government, for matters of National concern, and independent powers in the States, for what concerns the States severally. In England, it was a great point gained at the Revolution, that the commissions of the Judges, which had hitherto been during pleasure, should thenceforth be made during good behavior. A Judiciary, dependent on the will of the King, had proved itself the most oppressive of all tools, in the hands of that Magistrate. Nothing, then, could be more salutary, than a change there, to the tenure of good behavior; and the question of good behavior, left to the vote of a simple majority in the two Houses of Parliament. Before the Revolution, we were all good English Whigs, cordial in their free principles, and in their jealousies of their Executive Magistrate. These jealousies are very apparent, in all our state Constitutions; and, in the General government in this instance, we have gone even beyond the English caution, by requiring a vote of two-thirds, in one of the Houses, for removing a Judge; a vote so impos-

sible, where[1] any defence is made, before men of ordinary prejudices and passions, that our Judges are effectually independent of the nation. But this ought not to be. I would not, indeed, make them dependent on the Executive authority, as they formerly were in England; but I deem it indispensable to the continuance of this government, that they should be submitted to some practical and impartial control; and that this, to be imparted, must be compounded of a mixture of State and Federal authorities. It is not enough that honest men are appointed Judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the *esprit de corps*, of their peculiar maxim and creed, that "it is the office of a good Judge to enlarge his jurisdiction," and the absence of responsibility; and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual State, from which they have nothing to hope or fear? We have seen, too, that contrary to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead, and grapple further hold for future advances of power. They are then, in fact, the corps of sappers and miners, steadily working to undermine the

[1] In the impeachment of Judge Pickering, of New Hampshire, a habitual and maniac drunkard, no defence was made. Had there been, the party vote of more than one-third of the Senate would have acquitted him.

independent rights of the States, and to consolidate all power in the hands of that government in which they have so important a freehold estate. But it is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every State again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor. Were we directed from Washington when to sow, and when to reap, we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed, for the good and prosperity of all. I repeat, that I do not charge the Judges with wilful and ill-intentioned error; but honest error must be arrested, where its toleration leads to public ruin. As, for the safety of society, we commit honest maniacs to Bedlam, so judges should be withdrawn from their bench, whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the Republic, which is the first and supreme law.

Among the debilities of the government of the

Confederation, no one was more distinguished or more distressing, than the utter impossibility of obtaining, from the States, the moneys necessary for the payment of debts, or even for the ordinary expenses of the government. Some contributed a little, some less, and some nothing; and the last furnished at length an excuse for the first to do nothing also. Mr. Adams, while residing at the Hague, had a general authority to borrow what sums might be requisite, for ordinary and necessary expenses. Interest on the public debt, and the maintenance of the diplomatic establishment in Europe, had been habitually provided in this way. He was now elected Vice-President of the United States, was soon to return to America, and had referred our bankers to me for future counsel, on our affairs in their hands. But I had no powers, no instructions, no means, and no familiarity with the subject. It had always been exclusively under his management, except as to occasional and partial deposits in the hands of Mr. Grand, banker in Paris, for special and local purposes. These last had been exhausted for some time, and I had fervently pressed the Treasury board to replenish this particular deposit, as Mr. Grand now refused to make further advances. They answered candidly, that no funds could be obtained until the new government should get into action, and have time to make its arrangements. Mr. Adams had received his appointment to the court of London, while engaged at Paris, with Dr. Franklin and my-

self, in the negotiations under our joint commissions. He had repaired thence to London, without returning to the Hague, to take leave of that government. He thought it necessary, however, to do so now, before he should leave Europe, and accordingly went there. I learned his departure from London, by a letter from Mrs. Adams, received on the very day on which he would arrive at the Hague. A consultation with him, and some provision for the future, was indispensable, while we could yet avail ourselves of his powers; for when they would be gone, we should be without resource. I was daily dunned by a Company who had formerly made a small loan to the United States, the principal of which was now become due; and our bankers in Amsterdam, had notified me that the interest on our general debt would be expected in June; that if we failed to pay it, it would be deemed an act of bankruptcy, and would effectually destroy the credit of the United States, and all future prospect of obtaining money there; that the loan they had been authorized to open, of which a third only was filled, had now ceased to get forward, and rendered desperate that hope of resource. I saw that there was not a moment to lose, and set out for the Hague on the second morning after receiving the information of Mr. Adams's journey. I went the direct road by Louvres, Senlis, Roye, Pont St. Maxence, Bois le duc, Gournay, Peronne, Cambray, Bouchain, Valenciennes, Mons, Bruxelles, Malines, Antwerp, Mordick, and Rotter-

dam, to the Hague, where I happily found Mr. Adams. He concurred with me at once in opinion, that something must be done, and that we ought to risk ourselves on doing it without instructions, to save the credit of the United States. We foresaw, that before the new government could be adopted, assembled, establish its financial system, get the money into the Treasury, and place it in Europe, considerable time would elapse; that, therefore, we had better provide at once, for the years '88, '89, and '90, in order to place our government at its ease, and our credit in security, during that trying interval. We set out, therefore, by the way of Leyden, for Amsterdam, where we arrived on the 10th. I had prepared an estimate, showing that

	Florins.
There would be necessary for the year '88	531,937–10
'89	538,540
'90	473,540
Total	1,544,017–10

	Florins.	
To meet this, the bankers had in hand	79,268–2–8	
and the unsold bonds would yield	542,800	
		622,068–2–8
Leaving a deficit of		921,949–7–4
We proposed then to borrow a million, yielding		920,000
Which would leave a small deficiency of		1,949–7–4

Mr. Adams accordingly executed 1000 bonds, for 1000 florins each, and deposited them in the hands of our bankers, with instructions, however, not to issue them until Congress should ratify the measure.

This done, he returned to London, and I set out for Paris; and, as nothing urgent forbade it, I determined to return along the banks of the Rhine, to Strasburg, and thence strike off to Paris. I accordingly left Amsterdam on the 30th of March, and proceeded by Utrecht, Nimeguen, Cleves, Duysberg, Dusseldorf, Cologne, Bonne, Coblentz, Nassau, Hocheim, Frankfort, and made an excursion to Hanau, thence to Mayence, and another excursion to Rudesheim, and Johansberg; then by Oppenheim, Worms, and Manheim, making an excursion to Heidelberg, then by Spire, Carlsruh, Rastadt and Kelh, to Strasburg, where I arrived April the 16th, and proceeded again on the 18th, by Phalsbourg, Fenestrange, Dieuze, Moyenvie, Nancy, Toul, Ligny, Bar-le-duc, St. Diziers, Vitry, Chalons sur Marne, Epernay, Chateau Thierri, Meaux, to Paris, where I arrived on the 23d of April; and I had the satisfaction to reflect, that by this journey our credit was secured, the new government was placed at ease for two years to come, and that, as well as myself, relieved from the torment of incessant duns, whose just complaints could not be silenced by any means within our power.

A Consular Convention had been agreed on in '84, between Dr. Franklin and the French government, containing several articles, so entirely inconsistent with the laws of the several States, and the general spirit of our citizens, that Congress withheld their ratification, and sent it back to me, with

instructions to get those articles expunged, or modified so as to render them compatible with our laws. The Minister unwillingly released us from these concessions, which, indeed, authorized the exercise of powers very offensive in a free State. After much discussion, the Convention was reformed in a considerable degree, and was signed by the Count Montmorin and myself, on the 14th of November, '88; not, indeed, such as I would have wished, but such as could be obtained with good humor and friendship.

On my return from Holland, I found Paris as I had left it, still in high fermentation. Had the Archbishop, on the close of the Assembly of Notables, immediately carried into operation the measures contemplated, it was believed they would all have been registered by the Parliament; but he was slow, presented his edicts, one after another, and at considerable intervals, which gave time for the feelings excited by the proceedings of the Notables to cool off, new claims to be advanced, and a pressure to arise for a fixed constitution, not subject to changes at the will of the King. Nor should we wonder at this pressure, when we consider the monstrous abuses of power under which this people were ground to powder; when we pass in review the weight of their taxes, and the inequality of their distribution; the oppressions of the tithes, the tailles, the corvees, the gabelles, the farms and the barriers; the shackles on commerce by monopolies;

on industry by guilds and corporations; on the freedom of conscience, of thought, and of speech; on the freedom of the press by the Censure; and of the person by Lettres de Cachet; the cruelty of the Criminal code generally; the atrocities of the Rack; the venality of the Judges, and their partialities to the rich; the monopoly of Military honors by the Noblesse; the enormous expenses of the Queen, the Princes and the Court; the prodigalities of pensions; and the riches, luxury, indolence and immorality of the Clergy. Surely under such a mass of misrule and oppression, a people might justly press for a thorough reformation, and might even dismount their rough-shod riders, and leave them to walk on their own legs. The edicts, relative to the corvees and free circulation of grain, were first presented to the Parliament and registered; but those for the impôt territorial, and stamp tax, offered some time after, were refused by the Parliament, which proposed a call of the States General, as alone competent to their authorization. Their refusal produced a Bed of justice, and their exile to Troyes. The Advocates, however, refusing to attend them, a suspension in the administration of justice took place. The Parliament held out for awhile, but the ennui of their exile and absence from Paris, began at length to be felt, and some dispositions for compromise to appear. On their consent, therefore, to prolong some of the former taxes, they were recalled from exile, the King met them in session, November

19, '87, promised to call the States General in the year '92, and a majority expressed their assent to register an edict for successive and annual loans from 1788 to '92; but a protest being entered by the Duke of Orleans, and this encouraging others in a disposition to retract, the King ordered peremptorily the registry of the edict, and left the Assembly abruptly. The Parliament immediately protested, that the votes for the enregistry had not been legally taken, and that they gave no sanction to the loans proposed. This was enough to discredit and defeat them. Hereupon issued another edict, for the establishment of a cour plenière, and the suspension of all the Parliaments in the kingdom. This being opposed, as might be expected, by reclamations from all the Parliaments and Provinces, the King gave way, and by an edict of July 5th, '88, renounced his cour plenière, and promised the States General for the 1st of May, of the ensuing year; and the Archbishop, finding the times beyond his faculties, accepted the promise of a Cardinal's hat, was removed [September '88] from the Ministry, and M. Necker was called to the department of finance. The innocent rejoicings of the people of Paris on this change provoked the interference of an officer of the city guards, whose order for their dispersion not being obeyed, he charged them with fixed bayonets, killed two or three, and wounded many. This dispersed them for the moment, but they collected the next day in great numbers, burnt ten or

twelve guard-houses, killed two or three of the guards, and lost six or eight more of their own number. The city was hereupon put under Martial law, and after awhile the tumult subsided. The effect of this change of ministers, and the promise of the States General at an early day, tranquillized the nation. But two great questions now occurred. 1st. What proportion shall the number of deputies of the Tiers Etat bear to those of the Nobles and Clergy? And 2d, shall they sit in the same or in distinct apartments? M. Necker, desirous of avoiding himself these knotty questions, proposed a second call of the same Notables, and that their advice should be asked on the subject. They met, November 9, '88; and, by five bureaux against one, they recommended the forms of the States General of 1614; wherein the Houses were separate, and voted by orders, not by persons. But the whole nation declaring at once against this, and that the Tiers Etat should be, in numbers, equal to both the other orders, and the Parliament deciding for the same proportion, it was determined so to be, by a declaration of December 27th, '88. A Report of M. Necker, to the King, of about the same date, contained other very important concessions. 1. That the King could neither lay a new tax, nor prolong an old one. 2. It expressed a readiness to agree on the periodical meeting of the States. 3. To consult on the necessary restriction on Lettres de Cachet; and 4. How far the press might be made

free. 5. It admits that the States are to appropriate the public money; and 6. That Ministers shall be responsible for public expenditures. And these concessions came from the very heart of the King. He had not a wish but for the good of the nation; and for that object, no personal sacrifice would ever have cost him a moment's regret; but his mind was weakness itself, his constitution timid, his judgment null, and without sufficient firmness even to stand by the faith of his word. His Queen, too, haughty and bearing no contradiction, had an absolute ascendency over him; and around her were rallied the King's brother d'Artois, the court generally, and the aristocratic part of his Ministers, particularly Breteuil, Broglio, Vauguyon, Foulon, Luzerne, men whose principles of government were those of the age of Louis XIV. Against this host, the good counsels of Necker, Montmorin, St. Priest, although in unison with the wishes of the King himself, were of little avail. The resolutions of the morning, formed under their advice, would be reversed in the evening, by the influence of the Queen and court. But the hand of heaven weighed heavily indeed on the machinations of this junto; producing collateral incidents, not arising out of the case, yet powerfully co-exciting the nation to force a regeneration of its government, and overwhelming with accumulated difficulties, this liberticide resistance. For, while laboring under the want of money for even ordinary purposes, in a government which required a million

of livres a day, and driven to the last ditch by the universal call for liberty, there came on a winter of such severe cold, as was without example in the memory of man, or in the written records of history. The Mercury was at times 50° below the freezing point of Fahrenheit, and 22° below that of Reaumur. All out-door labor was suspended, and the poor, without the wages of labor, were, of course, without either bread or fuel. The government found its necessities aggravated by that of procuring immense quantities of fire-wood, and of keeping great fires at all the cross streets, around which the people gathered in crowds, to avoid perishing with cold. Bread, too, was to be bought, and distributed daily, gratis, until a relaxation of the season should enable the people to work; and the slender stock of bread stuff had for some time threatened famine, and had raised that article to an enormous price. So great, indeed, was the scarcity of bread, that, from the highest to the lowest citizen, the bakers were permitted to deal but a scanty allowance per head, even to those who paid for it; and, in cards of invitation to dine in the richest houses, the guest was notified to bring his own bread. To eke out the existence of the people, every person who had the means, was called on for a weekly subscription, which the Curés collected, and employed in providing messes for the nourishment of the poor, and vied with each other in devising such economical compositions of food, as would subsist the greatest

number with the smallest means. This want of bread had been foreseen for some time past, and M. de Montmorin had desired me to notify it in America, and that, in addition to the market price, a premium should be given on what should be brought from the United States. Notice was accordingly given, and produced considerable supplies. Subsequent information made the importations from America, during the months of March, April and May, into the Atlantic ports of France, amount to about twenty-one thousand barrels of flour, besides what went to other ports, and in other months; while our supplies to their West Indian islands relieved them also from that drain. This distress for bread continued till July.

Hitherto no acts of popular violence had been produced by the struggle for political reformation. Little riots, on ordinary incidents, had taken place as at other times, in different parts of the kingdom, in which some lives, perhaps a dozen or twenty, had been lost; but in the month of April, a more serious one occurred in Paris, unconnected, indeed, with the Revolutionary principle, but making part of the history of the day. The Fauxbourg St. Antoine is a quarter of the city inhabited entirely by the class of day laborers and journeymen in every line. A rumor was spread among them, that a great paper manufacturer, of the name of Reveillon, had proposed, on some occasion, that their wages should be lowered to fifteen sous a day. Inflamed at once into

rage, and without inquiring into its truth, they flew to his house in vast numbers, destroyed everything in it, and in his magazines and work-shops, without secreting, however, a pin's worth to themselves, and were continuing this work of devastation, when the regular troops were called in. Admonitions being disregarded, they were of necessity fired on, and a regular action ensued, in which about one hundred of them were killed, before the rest would disperse. There had rarely passed a year without such a riot, in some part or other of the Kingdom; and this is distinguished only as cotemporary with the Revolution, although not produced by it.

The States General were opened on the 5th of May, '89, by speeches from the King, the Garde des Sceaux, Lamoignon, and M. Necker. The last was thought to trip too lightly over the constitutional reformations which were expected. His notices of them in this speech, were not as full as in his previous 'Rapport au Roi.' This was observed, to his disadvantage; but much allowance should have been made for the situation in which he was placed, between his own counsels, and those of the ministers and party of the court. Overruled in his own opinions, compelled to deliver, and to gloss over those of his opponents, and even to keep their secrets, he could not come forward in his own attitude.

The composition of the Assembly, although equivalent, on the whole, to what had been expected, was something different in its elements. It had been

supposed, that a superior education would carry into the scale of the Commons a respectable portion of the Noblesse. It did so as to those of Paris, of its vicinity, and of the other considerable cities, whose greater intercourse with enlightened society had liberalized their minds, and prepared them to advance up to the measure of the times. But the Noblesse of the country, which constituted two-thirds of that body, were far in their rear. Residing constantly on their patrimonial feuds, and familiarized, by daily habit, with Seigneurial powers and practices, they had not yet learned to suspect their inconsistence with reason and right. They were willing to submit to equality of taxation, but not to descend from their rank and prerogatives to be incorporated in session with the Tiers État. Among the Clergy, on the other hand, it had been apprehended that the higher orders of the Hierarchy, by their wealth and connections, would have carried the elections generally; but it turned out, that in most cases, the lower clergy had obtained the popular majorities. These consisted of the Curés, sons of the peasantry, who had been employed to do all the drudgery of parochial services for ten, twenty, or thirty Louis a year; while their superiors were consuming their princely revenues in palaces of luxury and indolence.

The objects for which this body was convened, being of the first order of importance, I felt it very interesting to understand the views of the parties of

which it was composed, and especially the ideas prevalent as to the organization contemplated for their government. I went, therefore, daily from Paris to Versailles, and attended their debates, generally till the hour of adjournment. Those of the Noblesse were impassioned and tempestuous. They had some able men on both sides, actuated by equal zeal. The debates of the Commons were temperate, rational, and inflexibly firm. As preliminary to all other business, the awful questions came on, shall the States sit in one, or in distinct apartments? And shall they vote by heads or houses? The opposition was soon found to consist of the Episcopal order among the clergy, and two-thirds of the Noblesse; while the Tiers État were, to a man, united and determined. After various propositions of compromise had failed, the Commons undertook to cut the Gordian knot. The Abbe Sieyes, the most logical head of the nation, (author of the pamphlet "Qu'est ce que le Tiers État?" which had electrified that country, as Paine's Common Sense did us,) after an impressive speech on the 10th of June, moved that a last invitation should be sent to the Noblesse and Clergy, to attend in the hall of the States, collectively or individually, for the verification of powers, to which the Commons would proceed immediately, either in their presence or absence. This verification being finished, a motion was made, on the 15th, that they should constitute themselves a National Assembly; which was decided on the

17th, by a majority of four-fifths. During the debates on this question, about twenty of the Curés had joined them, and a proposition was made, in the chamber of the Clergy, that their whole body should join. This was rejected, at first, by a small majority only; but, being afterwards somewhat modified, it was decided affirmatively, by a majority of eleven. While this was under debate, and unknown to the court, to wit, on the 19th, a council was held in the afternoon, at Marly, wherein it was proposed that the King should interpose, by a declaration of his sentiments, in a *séance royale*. A form of declaration was proposed by Necker, which, while it censured, in general, the proceedings, both of the Nobles and Commons, announced the King's views, such as substantially to coincide with the Commons. It was agreed to in Council, the *séance* was fixed for the 22d, the meetings of the States were till then to be suspended, and everything, in the meantime, kept secret. The members, the next morning (the 20th) repairing to their house, as usual, found the doors shut and guarded, a proclamation posted up for a *séance royale* on the 22d, and a suspension of their meetings in the meantime. Concluding that their dissolution was now to take place, they repaired to a building called the "Jeu de paume" (or Tennis court) and there bound themselves by oath to each other, never to separate, of their own accord, till they had settled a constitution for the nation, on a solid basis, and, if separated by

force, that they would reassemble in some other place. The next day they met in the church of St. Louis, and were joined by a majority of the clergy. The heads of the Aristocracy saw that all was lost without some bold exertion. The King was still at Marly. Nobody was permitted to approach him but their friends. He was assailed by falsehoods in all shapes. He was made to believe that the Commons were about to absolve the army from their oath of fidelity to him, and to raise their pay. The court party were now all rage and desperation. They procured a committee to be held, consisting of the King and his Ministers, to which Monsieur and the Count d'Artois should be admitted. At this committee, the latter attacked M. Necker personally, arraigned his declaration, and proposed one which some of his prompters had put into his hands. M. Necker was brow-beaten and intimidated, and the King shaken. He determined that the two plans should be deliberated on the next day, and the *séance royale* put off a day longer. This encouraged a fiercer attack on M. Necker the next day. His draught of a declaration was entirely broken up, and that of the Count d'Artois inserted into it. Himself and Montmorin offered their resignation, which was refused; the Count d'Artois saying to M. Necker, "No, sir, you must be kept as the hostage; we hold you responsible for all the ill which shall happen." This change of plan was immediately whispered without doors. The No-

blesse were in triumph; the people in consternation. I was quite alarmed at this state of things. The soldiery had not yet indicated which side they should take, and that which they should support would be sure to prevail. I considered a successful reformation of government in France, as insuring a general reformation through Europe, and the resurrection, to a new life, of their people, now ground to dust by the abuses of the governing powers. I was much acquainted with the leading patriots of the Assembly. Being from a country which had successfully passed through a similar reformation, they were disposed to my acquaintance, and had some confidence in me. I urged, most strenuously, an immediate compromise; to secure what the government was now ready to yield, and trust to future occasions for what might still be wanting. It was well understood that the King would grant, at this time, 1. Freedom of the person by Habeas corpus: 2. Freedom of conscience: 3. Freedom of the press: 4. Trial by jury: 5. A representative Legislature: 6. Annual meetings: 7. The origination of laws: 8. The exclusive right of taxation and appropriation: and 9. The responsibility of Ministers; and with the exercise of these powers they could obtain, in future, whatever might be further necessary to improve and preserve their constitution. They thought otherwise, however, and events have proved their lamentable error. For, after thirty years of war, foreign and domestic, the loss of millions of lives, the prostration of private

happiness, and the foreign subjugation of their own country for a time, they have obtained no more, nor even that securely. They were unconscious of (for who could foresee?) the melancholy sequel of their well-meant perseverance; that their physical force would be usurped by a first tyrant to trample on the independence, and even the existence, of other nations: that this would afford a fatal example for the atrocious conspiracy of Kings against their people; would generate their unholy and homicide alliance to make common cause among themselves, and to crush, by the power of the whole, the efforts of any part to moderate their abuses and oppressions.

When the King passed, the next day, through the lane formed from the Chateau to the "Hotel des États," there was a dead silence. He was about an hour in the House, delivering his speech and declaration. On his coming out, a feeble cry of "vive le Roi" was raised by some children, but the people remained silent and sullen. In the close of his speech, he had ordered that the members should follow him, and resume their deliberations the next day. The Noblesse followed him, and so did the Clergy, except about thirty, who, with the Tiers, remained in the room, and entered into deliberation. They protested against what the King had done, adhered to all their former proceedings, and resolved the inviolability of their own persons. An officer came, to order them out of the room in the King's name. "Tell those who sent you," said Mirabeau,

"that we shall not move hence but at our own will, or the point of the bayonet." In the afternoon, the people, uneasy, began to assemble in great numbers in the courts, and vicinities of the palace. This produced alarm. The Queen sent for M. Necker. He was conducted, amidst the shouts and acclamations of the multitude, who filled all the apartments of the palace. He was a few minutes only with the Queen, and what passed between them did not transpire. The King went out to ride. He passed through the crowd to his carriage, and into it, without being in the least noticed. As M. Necker followed him, universal acclamations were raised of "vive Monsieur Necker, vive le sauveur de la France opprimée." He was conducted back to his house with the same demonstrations of affection and anxiety. About two hundred deputies of the Tiers, catching the enthusiasm of the moment, went to his house, and extorted from him a promise that he would not resign. On the 25th, forty-eight of the Nobles joined the Tiers, and among them the Duke of Orleans. There were then with them one hundred and sixty-four members of the Clergy, although the minority of that body still sat apart, and called themselves the Chamber of the Clergy. On the 26th, the Archbishop of Paris joined the Tiers, as did some others of the Clergy and of the Noblesse.

These proceedings had thrown the people into violent ferment. It gained the soldiery, first of the French guards, extended to those of every other

denomination, except the Swiss, and even to the body guards of the King. They began to quit their barracks, to assemble in squads, to declare they would defend the life of the King, but would not be the murderers of their fellow-citizens. They called themselves the soldiers *of the nation*, and left now no doubt on which side they would be, in case of rupture. Similar accounts came in from the troops in other parts of the kingdom, giving good reason to believe they would side with their fathers and brothers, rather than with their officers. The operation of this medicine at Versailles was as sudden as it was powerful. The alarm there was so complete, that in the afternoon of the 27th, the King wrote, with his own hand, letters to the Presidents of the Clergy and Nobles, engaging them immediately to join the Tiers. These two bodies were debating, and hesitating, when notes from the Count d'Artois decided their compliance. They went in a body, and took their seats with the Tiers, and thus rendered the union of the orders in one chamber complete.

The Assembly now entered on the business of their mission, and first proceeded to arrange the order in which they would take up the heads of their constitution, as follows:

First, and as Preliminary to the whole, a general Declaration of the Rights of Man. Then, specifically, the Principles of the Monarchy; Rights of the Nation; Rights of the King; Rights of the Citizens; Organiza-

tion and Rights of the National Assembly; Forms necessary for the enactment of Laws; Organization and Functions of the Provincial and Municipal Assemblies; Duties and Limits of the Judiciary power; Functions and Duties of the Military power.

A Declaration of the Rights of Man, as the preliminary of their work, was accordingly prepared and proposed by the Marquis de La Fayette.

But the quiet of their march was soon disturbed by information that troops, and particularly the foreign troops, were advancing on Paris from various quarters. The King had probably been advised to this, on the pretext of preserving peace in Paris. But his advisers were believed to have other things in contemplation. The Marshal de Broglio was appointed to their command, a high-flying aristocrat, cool and capable of everything. Some of the French guards were soon arrested, under other pretexts, but really, on account of their dispositions in favor of the National cause. The people of Paris forced their prison, liberated them, and sent a deputation to the Assembly to solicit a pardon. The Assembly recommended peace and order to the people of Paris, the prisoners to the King, and asked from him the removal of the troops. His answer was negative and dry, saying they might remove themselves, if they pleased, to Noyons or Soissons. In the meantime, these troops, to the number of twenty or thirty thousand, had arrived, and were posted in, and between Paris and Versailles. The bridges and passes were

guarded. At three o'clock in the afternoon of the 11th of July, the Count de La Luzerne was sent to notify M. Necker of his dismission, and to enjoin him to retire instantly, without saying a word of it to anybody. He went home, dined, and proposed to his wife a visit to a friend, but went in fact to his country house at St. Ouen, and at midnight set out for Brussels. This was not known till the next day (the 12th,) when the whole Ministry was changed, except Villedeuil, of the domestic department, and Barenton, Garde des sceaux. The changes were as follows:

The Baron de Breteuil, President of the Council of Finance; de la Galaisiere, Comptroller General, in the room of M. Necker; the Marshal de Broglio, Minister of War, and Foulon under him, in the room of Puy-Segur; the Duke de la Vauguyon, Minister of Foreign Affairs, instead of the Count de Montmorin; de La Porte, Minister of Marine, in place of the Count de La Luzerne; St. Priest was also removed from the Council. Luzerne and Puy-Segur had been strongly of the Aristocratic party in the Council, but they were not considered equal to the work now to be done. The King was now completely in the hands of men, the principal among whom had been noted, through their lives, for the Turkish despotism of their characters, and who were associated around the King, as proper instruments for what was to be executed. The news of this change began to be known at Paris, about one or two o'clock. In the afternoon, a body of about one hundred German

cavalry were advanced, and drawn up in the Place Louis XV., and about two hundred Swiss posted at a little distance in their rear. This drew people to the spot, who thus accidentally found themselves in front of the troops, merely at first as spectators; but, as their numbers increased, their indignation rose. They retired a few steps, and posted themselves on and behind large piles of stones, large and small, collected in that place for a bridge, which was to be built adjacent to it. In this position, happening to be in my carriage on a visit, I passed through the lane they had formed, without interruption. But the moment after I had passed, the people attacked the cavalry with stones. They charged, but the advantageous position of the people, and the showers of stones, obliged the horse to retire, and quit the field altogether, leaving one of their number on the ground, and the Swiss in the rear not moving to their aid. This was the signal for universal insurrection, and this body of cavalry, to avoid being massacred, retired towards Versailles. The people now armed themselves with such weapons as they could find in armorer's shops, and private houses, and with bludgeons; and were roaming all night, through all parts of the city, without any decided object. The next day (the 13th,) the Assembly pressed on the King to send away the troops, to permit the Bourgeoisie of Paris to arm for the preservation of order in the city, and offered to send a deputation from their body to tranquillize them; but their propositions were re-

fused. A committee of magistrates and electors of the city were appointed by those bodies, to take upon them its government. The people, now openly joined by the French guards, forced the prison of St. Lazare, released all the prisoners, and took a great store of corn, which they carried to the corn-market. Here they got some arms, and the French guards began to form and train them. The city-committee determined to raise forty-eight thousand Bourgeoise, or rather to restrain their numbers to forty-eight thousand. On the 14th, they sent one of their members (Monsieur de Corny) to the Hotel des Invalides, to ask arms for their Garde Bourgeoise. He was followed by, and he found there, a great collection of people. The Governor of the Invalids came out, and represented the impossibility of his delivering arms, without the orders of those from whom he received them. De Corny advised the people then to retire, and retired himself; but the people took possession of the arms. It was remarkable, that not only the Invalids themselves made no opposition, but that a body of five thousand foreign troops, within four hundred yards, never stirred. M. de Corny, and five others, were then sent to ask arms of M. de Launay, Governor of the Bastile. They found a great collection of people already before the place, and they immediately planted a flag of truce, which was answered by a like flag hoisted on the parapet. The deputation prevailed on the people to fall back a little, advanced

themselves to make their demand of the Governor, and in that instant, a discharge from the Bastile killed four persons of those nearest to the deputies. The deputies retired. I happened to be at the house of M. de Corny, when he returned to it, and received from him a narrative of these transactions. On the retirement of the deputies, the people rushed forward, and almost in an instant, were in possession of a fortification of infinite strength, defended by one hundred men, which in other times had stood several regular sieges, and had never been taken. How they forced their entrance has never been explained. They took all the arms, discharged the prisoners, and such of the garrison as were not killed in the first moment of fury; carried the Governor and Lieutenant Governor, to the Place de Grève, (the place of public execution,) cut off their heads, and sent them through the city, in triumph, to the Palais royal. About the same instant, a treacherous correspondence having been discovered in M. de Flesselles, Prevôt des Marchands, they seized him in the Hotel de Ville, where he was in the execution of his office, and cut off his head. These events, carried imperfectly to Versailles, were the subject of two successive deputations from the Assembly to the King, to both of which he gave dry and hard answers; for nobody had as yet been permitted to inform him, truly and fully, of what had passed at Paris. But at night, the Duke de Liancourt forced his way into the King's bed chamber, and obliged him to hear a full and ani-

mated detail of the disasters of the day in Paris. He went to bed fearfully impressed. The decapitation of de Launay worked powerfully through the night on the whole Aristocratic party; insomuch, that in the morning, those of the greatest influence on the Count d'Artois, represented to him the absolute necessity that the King should give up everything to the Assembly. This according with the dispositions of the King, he went about eleven o'clock, accompanied only by his brothers, to the Assembly, and there read to them a speech, in which he asked their interposition to re-establish order. Although couched in terms of some caution, yet the manner in which it was delivered, made it evident that it was meant as a surrender at discretion. He returned to the Chateau on foot, accompanied by the Assembly. They sent off a deputation to quiet Paris, at the head of which was the Marquis de La Fayette, who had, the same morning, been named Commandant en chef of the Milice Bourgeoise; and Monsieur Bailly, former President of the States General, was called for as Prevôt des Marchands. The demolition of the Bastile was now ordered and begun. A body of the Swiss guards, of the regiment of Ventimille, and the city horse guards joined the people. The alarm at Versailles increased. The foreign troops were ordered off instantly. Every Minister resigned. The King confirmed Bailly as Prevôt des Marchands, wrote to M. Necker, to recall him, sent his letter open to the Assembly, to be forwarded by them, and invited

them to go with him to Paris the next day, to satisfy the city of his dispositions; and that night, and the next morning, the Count d'Artois, and M. de Montesson, a deputy connected with him, Madame de Polignac, Madame de Guiche, and the Count de Vaudreuil, favorites of the Queen, the Abbé de Vermont her confessor, the Prince of Condé, and Duke of Bourbon fled. The King came to Paris, leaving the Queen in consternation for his return. Omitting the less important figures of the procession, the King's carriage was in the centre; on each side of it, the Assembly, in two ranks a foot; at their head the Marquis de La Fayette, as Commander-in-chief, on horseback, and Bourgeois guards before and behind. About sixty thousand citizens, of all forms and conditions, armed with the conquests of the Bastile and Invalids, as far as they would go, the rest with pistols, swords, pikes, pruning-hooks, scythes, &c., lined all the streets through which the procession passed, and with the crowds of people in the streets, doors, and windows, saluted them everywhere with the cries of "vive la nation," but not a single "vive le Roi" was heard. The King stopped at the Hotel de Ville. There M. Bailly presented, and put into his hat, the popular cockade, and addressed him. The King being unprepared, and unable to answer, Bailly went to him, gathered from him some scraps of sentences, and made out an answer, which he delivered to the audience, as from the King. On their return, the popular cries were "vive le Roi et la nation." He

was conducted by a garde Bourgeoise to his palace at Versailles, and thus concluded an "amende honorable," as no sovereign ever made, and no people ever received.

And here, again, was lost another precious occasion of sparing to France the crimes and cruelties through which she has since passed, and to Europe, and finally America, the evils which flowed on them also from this mortal source. The King was now become a passive machine in the hands of the National Assembly, and had he been left to himself, he would have willingly acquiesced in whatever they should devise as best for the nation. A wise constitution would have been formed, hereditary in his line, himself placed at its head, with powers so large as to enable him to do all the good of his station, and so limited, as to restrain him from its abuse. This he would have faithfully administered, and more than this, I do not believe, he ever wished. But he had a Queen of absolute sway over his weak mind and timid virtue, and of a character the reverse of his in all points. This angel, as gaudily painted in the rhapsodies of Burke, with some smartness of fancy, but no sound sense, was proud, disdainful of restraint, indignant at all obstacles to her will, eager in the pursuit of pleasure, and firm enough to hold to her desires, or perish in their wreck. Her inordinate gambling and dissipations, with those of the Count d'Artois, and others of her *clique*, had been a sensible item in the exhaustion of the treasury,

which called into action the reforming hand of the nation; and her opposition to it, her inflexible perverseness, and dauntless spirit, led herself to the Guillotine, drew the King on with her, and plunged the world into crimes and calamities which will forever stain the pages of modern history. I have ever believed, that had there been no Queen, there would have been no revolution. No force would have been provoked, nor exercised. The King would have gone hand in hand with the wisdom of his sounder counsellors, who, guided by the increased lights of the age, wished only, with the same pace, to advance the principles of their social constitution. The deed which closed the mortal course of these sovereigns, I shall neither approve nor condemn. I am not prepared to say, that the first magistrate of a nation cannot commit treason against his country, or is unamenable to its punishment; nor yet, that where there is no written law, no regulated tribunal, there is not a law in our hearts, and a power in our hands, given for righteous employment in maintaining right, and redressing wrong. Of those who judged the King, many thought him wilfully criminal; many, that his existence would keep the nation in perpetual conflict with the horde of Kings who would war against a generation which might come home to themselves, and that it were better that one should die than all. I should not have voted with this portion of the legislature. I should have shut up the Queen in a convent, putting harm out of her power

and placed the King in his station, investing him with limited powers, which, I verily believe, he would have honestly exercised, according to the measure of his understanding. In this way, no void would have been created, courting the usurpation of a military adventurer, nor occasion given for those enormities which demoralized the nations of the world, and destroyed, and is yet to destroy, millions and millions of its inhabitants. There are three epochs in history, signalized by the total extinction of national morality. The first was of the successors of Alexander, not omitting himself: The next, the successors of the first Cæsar: The third, our own age. This was begun by the partition of Poland, followed by that of the treaty of Pilnitz; next the conflagration of Copenhagen; then the enormities of Bonaparte, partitioning the earth at his will, and devastating it with fire and sword; now the conspiracy of Kings, the successors of Bonaparte, blasphemously calling themselves the Holy Alliance, and treading in the footsteps of their incarcerated leader; not yet, indeed, usurping the government of other nations, avowedly and in detail, but controlling by their armies the forms in which they will permit them to be governed; and reserving, *in petto*, the order and extent of the usurpations further meditated. But I will return from a digression, anticipated, too, in time, into which I have been led by reflection on the criminal passions which refused to the world a favorable occasion of saving it from the afflictions it has since suffered.

M. Necker had reached Basle before he was overtaken by the letter of the King, inviting him back to resume the office he had recently left. He returned immediately, and all the other Ministers having resigned, a new administration was named, to wit: St. Priest and Montmorin were restored; the Archbishop of Bordeaux was appointed Garde des sceaux, La Tour du Pin, Minister of War; La Luzerne, Minister of Marine. This last was believed to have been effected by the friendship of Montmorin; for although differing in politics, they continued firm in friendship, and Luzerne, although not an able man, was thought an honest one. And the Prince of Bauvau was taken into the Council.

Seven Princes of the blood Royal, six ex-Ministers, and many of the high Noblesse, having fled, and the present Ministers, except Luzerne, being all of the popular party, all the functionaries of government moved, for the present, in perfect harmony.

In the evening of August the 4th, and on the motion of the Viscount de Noailles, brother in law of La Fayette, the Assembly abolished all titles of rank, all the abusive privileges of feudalism, the tithes and casuals of the Clergy, all Provincial privileges, and, in fine, the Feudal regimen generally. To the suppression of tithes, the Abbé Sieyes was vehemently opposed; but his learned and logical arguments were unheeded, and his estimation lessened by a contrast of his egoism (for he was beneficed on them), with the generous abandonment of

rights by the other members of the Assembly. Many days were employed in putting into the form of laws, the numerous demolitions of ancient abuses; which done, they proceeded to the preliminary work of a Declaration of Rights. There being much concord of sentiment on the elements of this instrument, it was liberally framed, and passed with a very general approbation. They then appointed a Committee for the "reduction of a projet" of a constitution, at the head of which was the Archbishop of Bordeaux. I received from him, as chairman of the Committee, a letter of July 20th, requesting me to attend and assist at their deliberations; but I excused myself, on the obvious considerations, that my mission was to the King as Chief Magistrate of the nation, that my duties were limited to the concerns of my own country, and forbade me to intermeddle with the internal transactions of that, in which I had been received under a specific character only. Their plan of a constitution was discussed in sections, and so reported from time to time, as agreed to by the Committee. The first respected the general frame of the government; and that this should be formed into three departments, Executive, Legislative and Judiciary, was generally agreed. But when they proceeded to subordinate developments, many and various shades of opinion came into conflict, and schism, strongly marked, broke the Patriots into fragments of very discordant principles. The first question, Whether there should

be a King? met with no open opposition; and it was readily agreed, that the government of France should be monarchical and hereditary. Shall the King have a negative on the laws? shall that negative be absolute, or suspensive only? Shall there be two Chambers of Legislation? or one only? If two, shall one of them be hereditary? or for life? or for a fixed term? and named by the King? or elected by the people? These questions found strong differences of opinion, and produced repulsive combinations among the Patriots. The Aristocracy was cemented by a common principle, of preserving the ancient regime, or whatever should be nearest to it. Making this their polar star, they moved in phalanx, gave preponderance on every question to the minorities of the Patriots, and always to those who advocated the least change. The features of the new constitution were thus assuming a fearful aspect, and great alarm was produced among the honest Patriots by these dissensions in their ranks. In this uneasy state of things, I received one day a note from the Marquis de La Fayette, informing me that he should bring a party of six or eight friends to ask a dinner of me the next day. I assured him of their welcome. When they arrived, they were La Fayette himself, Duport, Barnave, Alexander la Meth, Blacon, Mounier, Maubourg, and Dagout. These were leading Patriots, of honest but differing opinions, sensible of the necessity of effecting a coalition by mutual sacrifices, knowing each other, and not afraid, therefore,

to unbosom themselves mutually. This last was a material principle in the selection. With this view, the Marquis had invited the conference, and had fixed the time and place inadvertently, as to the embarrassment under which it might place me. The cloth being removed, and wine set on the table, after the American manner, the Marquis introduced the objects of the conference, by summarily reminding them of the state of things in the Assembly, the course which the principles of the Constitution were taking, and the inevitable result, unless checked by more concord among the Patriots themselves. He observed, that although he also had his opinion, he was ready to sacrifice it to that of his brethren of the same cause; but that a common opinion must now be formed, or the Aristocracy would carry everything, and that, whatever they should now agree on, he, at the head of the National force, would maintain. The discussions began at the hour of four, and were continued till ten o'clock in the evening; during which time, I was a silent witness to a coolness and candor of argument, unusual in the conflicts of political opinion; to a logical reasoning, and chaste eloquence, disfigured by no gaudy tinsel of rhetoric or declamation, and truly worthy of being placed in parallel with the finest dialogues of antiquity, as handed to us by Xenophon, by Plato and Cicero. The result was, that the King should have a suspensive veto on the laws, that the legislature should be composed of a single body only,

and that to be chosen by the people. This Concordate decided the fate of the constitution. The Patriots all rallied to the principles thus settled, carried every question agreeably to them, and reduced the Aristocracy to insignificance and impotence. But duties of exculpation were now incumbent on me. I waited on Count Montmorin the next morning, and explained to him, with truth and candor, how it had happened that my house had been made the scene of conferences of such a character. He told me, he already knew everything which had passed, that so far from taking umbrage at the use made of my house on that occasion, he earnestly wished I would habitually assist at such conferences, being sure I should be useful in moderating the warmer spirits, and promoting a wholesome and practicable reformation only. I told him, I knew too well the duties I owed to the King, to the nation, and to my own country, to take any part in councils concerning their internal government, and that I should persevere, with care, in the character of a neutral and passive spectator, with wishes only, and very sincere ones, that those measures might prevail which would be for the greatest good of the nation. I have no doubts, indeed, that this conference was previously known and approved by this honest Minister, who was in confidence and communication with the Patriots, and wished for a reasonable reform of the Constitution.

Here I discontinue my relation of the French

Revolution. The minuteness with which I have so far given its details, is disproportioned to the general scale of my narrative. But I have thought it justified by the interest which the whole world must take in this Revolution. As yet, we are but in the first chapter of its history. The appeal to the rights of man, which had been made in the United States, was taken up by France, first of the European nations. From her, the spirit has spread over those of the South. The tyrants of the North have allied indeed against it; but it is irresistible. Their opposition will only multiply its millions of human victims; their own satellites will catch it, and the condition of man through the civilized world, will be finally and greatly ameliorated. This is a wonderful instance of great events from small causes. So inscrutable is the arrangement of causes and consequences in this world, that a two-penny duty on tea, unjustly imposed in a sequestered part of it, changes the condition of all its inhabitants. I have been more minute in relating the early transactions of this regeneration, because I was in circumstances peculiarly favorable for a knowledge of the truth. Possessing the confidence and intimacy of the leading Patriots, and more than all, of the Marquis Fayette, their head and Atlas, who had no secrets from me, I learned with correctness the views and proceedings of that party; while my intercourse with the diplomatic missionaries of Europe at Paris, all of them with the court, and eager in prying into its councils and pro-

ceedings, gave me a knowledge of these also. My information was always, and immediately committed to writing, in letters to Mr. Jay, and often to my friends, and a recurrence to these letters now insures me against errors of memory.

These opportunities of information ceased at this period, with my retirement from this interesting scene of action. I had been more than a year soliciting leave to go home, with a view to place my daughters in the society and care of their friends, and to return for a short time to my station at Paris. But the metamorphosis through which our government was then passing from its Chrysalid to its Organic form suspended its action in a great degree; and it was not till the last of August, that I received the permission I had asked. And here, I cannot leave this great and good country, without expressing my sense of its pre-eminence of character among the nations of the earth. A more benevolent people I have never known, nor greater warmth and devotedness in their select friendships. Their kindness and accommodation to strangers is unparalleled, and the hospitality of Paris is beyond anything I had conceived to be practicable in a large city. Their eminence, too, in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation, give a charm to their society, to be found nowhere else. In a comparison of this, with other countries, we have the proof of primacy,

which was given to Themistocles, after the battle of Salamis. Every general voted to himself the first reward of valor, and the second to Themistocles. So, ask the travelled inhabitant of any nation, in what country on earth would you rather live?—Certainly, in my own, where are all my friends, my relations, and the earliest and sweetest affections and recollections of my life. Which would be your second choice? France.

On the 26th of September I left Paris for Havre, where I was detained by contrary winds until the 8th of October. On that day, and the 9th, I crossed over to Cowes, where I had engaged the Clermont, Capt. Colley, to touch for me. She did so; but here again we were detained by contrary winds, until the 22d, when we embarked, and landed at Norfolk on the 23d of November. On my way home, I passed some days at Eppington, in Chesterfield, the residence of my friend and connection, Mr. Eppes; and, while there, I received a letter from the President, General Washington, by express, covering an appointment to be Secretary of State.[1] I received it with real regret. My wish had been to return to Paris, where I had left my household establishment, as if there myself, and to see the end of the Revolution, which I then thought would be certainly and happily closed in less than a year. I then meant to return home, to withdraw from political life, into which I had been

[1] See Appendix, note H.]

impressed by the circumstances of the times, to sink into the bosom of my family and friends, and devote myself to studies more congenial to my mind. In my answer of December 15th, I expressed these dispositions candidly to the President, and my preference of a return to Paris; but assured him, that if it was believed I could be more useful in the administration of the government, I would sacrifice my own inclinations without hesitation, and repair to that destination; this I left to his decision. I arrived at Monticello on the 23d of December, where I received a second letter from the President, expressing his continued wish that I should take my station there, but leaving me still at liberty to continue in my former office, if I could not reconcile myself to that now proposed. This silenced my reluctance, and I accepted the new appointment.

In the interval of my stay at home, my eldest daughter had been happily married to the eldest son of the Tuckahoe branch of Randolphs, a young gentleman of genius, science, and honorable mind, who afterwards filled a dignified station in the General Government, and the most dignified in his own State. I left Monticello on the first of March, 1790, for New York. At Philadelphia I called on the venerable and beloved Franklin. He was then on the bed of sickness from which he never rose. My recent return from a country in which he had left so many friends, and the perilous convulsions to

which they had been exposed, revived all his anxieties to know what part they had taken, what had been their course, and what their fate. He went over all in succession, with a rapidity and animation almost too much for his strength. When all his inquiries were satisfied, and a pause took place, I told him I had learned with much pleasure that, since his return to America, he had been occupied in preparing for the world the history of his own life. I cannot say much of that, said he; but I will give you a sample of what I shall leave; and he directed his little grandson (William Bache) who was standing by the bedside, to hand him a paper from the table, to which he pointed. He did so; and the Doctor putting it into my hands, desired me to take it and read it at my leisure. It was about a quire of folio paper, written in a large and running hand, very like his own. I looked into it slightly, then shut it, and said I would accept his permission to read it, and would carefully return it. He said, "no, keep it." Not certain of his meaning, I again looked into it, folded it for my pocket, and said again, I would certainly return it. "No," said he, "keep it." I put it into my pocket, and shortly after took leave of him. He died on the 17th of the ensuing month of April; and as I understood that he had bequeathed all his papers to his grandson, William Temple Franklin, I immediately wrote to Mr. Franklin, to inform him I possessed this paper, which I should consider as his property,

and would deliver to his order. He came on immediately to New York, called on me for it, and I delivered it to him. As he put it into his pocket, he said carelessly, he had either the original, or another copy of it, I do not recollect which. This last expression struck my attention forcibly, and for the first time suggested to me the thought that Dr. Franklin had meant it as a confidential deposit in my hands, and that I had done wrong in parting from it. I have not yet seen the collection he published of Dr. Franklin's works, and, therefore, know not if this is among them. I have been told it is not. It contained a narrative of the negotiations between Dr. Franklin and the British Ministry, when he was endeavoring to prevent the contest of arms which followed. The negotiation was brought about by the intervention of Lord Howe and his sister, who, I believe, was called Lady Howe, but I may misremember her title. Lord Howe seems to have been friendly to America, and exceedingly anxious to prevent a rupture. His intimacy with Dr. Franklin, and his position with the Ministry, induced him to undertake a mediation between them; in which his sister seemed to have been associated. They carried from one to the other, backwards and forwards, the several propositions and answers which passed, and seconded with their own intercessions, the importance of mutual sacrifices, to preserve the peace and connection of the two countries. I remember that Lord North's answers were dry,

unyielding, in the spirit of unconditional submission, and betrayed an absolute indifference to the occurrence of a rupture; and he said to the mediators distinctly, at last, that "a rebellion was not to be deprecated on the part of Great Britain; that the confiscations it would produce would provide for many of their friends." This expression was reported by the mediators to Dr. Franklin, and indicated so cool and calculated a purpose in the Ministry, as to render compromise hopeless, and the negotiation was discontinued. If this is not among the papers published, we ask, what has become of it? I delivered it with my own hands, into those of Temple Franklin. It certainly established views so atrocious in the British government, that its suppression would, to them, be worth a great price. But could the grandson of Dr. Franklin be, in such degree, an accomplice in the parricide of the memory of his immortal grandfather? The suspension for more than twenty years of the general publication, bequeathed and confided to him, produced, for awhile, hard suspicions against him; and if, at last, all are not published, a part of these suspicions may remain with some.

I arrived at New York on the 21st of March, where Congress was in session.

APPENDIX.

[Note A.]

LETTER TO JOHN SAUNDERSON, ESQ.

Monticello, August 31, 1820.

Sir,

Your letter of the 19th was received in due time, and I wish it were in my power to furnish you more fully, than in the enclosed paper, with materials for the biography of George Wythe; but I possess none in writing, am very distant from the place of his birth and early life, and know not a single person in that quarter from whom inquiry could be made, with the expectation of collecting anything material. Add to this, that feeble health disables me, almost, from writing; and entirely from the labor of going into difficult research. I became acquainted with Mr. Wythe when he was about thirty-five years of age. He directed my studies in the law, led me into business, and continued, until death, my most affectionate friend. A close intimacy with him, during that period of forty odd years, the most important of his life, enables me to state its leading facts, which, being of my own knowledge, I vouch their truth. Of what precedes that period, I speak from hearsay only, in which there may be error, but of little account, as the character of the facts will themselves manifest. In the epoch of his birth, I may

err a little, stating that from the recollection of a particular incident, the date of which, within a year or two, I do not distinctly remember. These scanty outlines you will be able, I hope, to fill up from other information, and they may serve you, sometimes, as landmarks to distinguish truth from error, in what you hear from others. The exalted virtue of the man will also be a polar star to guide you in all matters which may touch that element of his character. But on that you will receive imputation from no man; for, as far as I know, he never had an enemy. Little as I am able to contribute to the just reputation of this excellent man, it is the act of my life most gratifying to my heart; and leaves me only to regret that a waning memory can do no more.

Of Mr. Hancock I can say nothing, having known him only in the chair of Congress. Having myself been the youngest man but one in that body, the disparity of age prevented any particular intimacy. But of him there can be no difficulty in obtaining full information in the North.

I salute you, Sir, with sentiments of great respect,

TH. JEFFERSON.

NOTES FOR THE BIOGRAPHY OF GEORGE WYTHE.

George Wythe was born about the year 1727, or 1728, of a respectable family in the County of Elizabeth City, on the shores of the Chesapeake. He inherited, from his father, a fortune sufficient for independence and ease. He had not the benefit of a

regular education in the schools, but acquired a good one of himself, and without assistance; insomuch, as to become the best Latin and Greek scholar in the State. It is said, that while reading the Greek Testament, his mother held an English one, to aid him in rendering the Greek text conformably with that. He also acquired, by his own reading, a good knowledge of Mathematics, and of Natural and Moral Philosophy. He engaged in the study of the law under the direction of a Mr. Lewis, of that profession, and went early to the bar of the General Court, then occupied by men of great ability, learning, and dignity in their profession. He soon became eminent among them, and, in process of time, the first at the bar, taking into consideration his superior learning, correct elocution, and logical style of reasoning; for in pleading he never indulged himself with an useless or declamatory thought or word; and became as distinguished by correctness and purity of conduct in his profession, as he was by his industry and fidelity to those who employed him. He was early elected to the House of Representatives, then called the House of Burgesses, and continued in it until the Revolution. On the first dawn of that, instead of higgling on half-way principles, as others did who feared to follow their reason, he took his stand on the solid ground that the only link of political union between us and Great Britain, was the identity of our Executive; that that nation and its Parliament had no more authority over us,

than we had over them, and that we were co-ordinate nations with Great Britain and Hanover.

In 1774, he was a member of a Committee of the House of Burgesses, appointed to prepare a Petition to the King, a Memorial to the House of Lords, and a Remonstrance to the House of Commons, on the subject of the proposed Stamp Act. He was made draughtsman of the last, and, following his own principles, he so far overwent the timid hesitations of his colleagues, that his draught was subjected by them to material modifications; and, when the famous Resolutions of Mr. Henry, in 1775, were proposed, it was not on any difference of principle that they were opposed by Wythe, Randolph, Pendleton, Nicholas, Bland, and other worthies, who had long been the habitual leaders of the House; but because those papers of the preceding session had already expressed the same sentiments and assertions of right, and that an answer to them was yet to be expected.

In August, 1775, he was appointed a member of Congress, and in 1776, signed the Declaration of Independence, of which he had, in debate, been an eminent supporter. And subsequently, in the same year, he was appointed, by the Legislature of Virginia, one of a Committee to revise the laws of the State, as well of British as of Colonial enactment, and to prepare bills for re-enacting them, with such alterations as the change in the form and principles of the government, and other circumstances, re-

quired; and of this work, he executed the period commencing with the revolution in England, and ending with the establishment of the new government here; excepting the Acts for regulating descents, for religious freedom, and for proportioning crimes and punishments. In 1777, he was chosen Speaker of the House of Delegates, being of distinguished learning in Parliamentary law and proceedings; and towards the end of the same year, he was appointed one of the three Chancellors, to whom that department of the Judiciary was confided, on the first organization of the new government. On a subsequent change of the form of that court, he was appointed sole Chancellor, in which office he continued to act until his death, which happened in June, 1806, about the seventy-eighth or seventy-ninth year of his age.

Mr. Wythe had been twice married: first, I believe, to a daughter of Mr. Lewis, with whom he had studied law, and afterwards to a Miss Taliaferro, of a wealthy and respectable family in the neighborhood of Williamsburg; by neither of whom did he leave issue.

No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest tint; his integrity inflexible, and his justice exact; of warm patriotism, and, devoted as he was to liberty, and the natural and equal rights of man, he might truly be called the Cato of his country, without the avarice of the Roman; for a

more disinterested person never lived. Temperance and regularity in all his habits, gave him general good health, and his unaffected modesty and suavity of manners endeared him to every one. He was of easy elocution, his language chaste, methodical in the arrangement of his matter, learned and logical in the use of it, and of great urbanity in debate; not quick of apprehension, but, with a little time, profound in penetration, and sound in conclusion. In his philosophy he was firm, and neither troubling, nor perhaps trusting, any one with his religious creed, he left the world to the conclusion, that that religion must be good which could produce a life of such exemplary virtue.

His stature was of the middle size, well formed and proportioned, and the features of his face were manly, comely, and engaging. Such was George Wythe, the honor of his own, and the model of future times.

[Note B.]

LETTER TO SAMUEL A. WELLS, ESQ.

Monticello, May 12, 1819.

Sir,

An absence of some time at an occasional and distant residence, must apologize for the delay in acknowledging the receipt of your favor of April 12; and, candor obliges me to add, that it has been somewhat extended by an aversion to writing, as well as

to calls on my memory for facts so much obliterated from it by time, as to lessen my own confidence in the traces which seem to remain. One of the inquiries in your letter, however, may be answered without an appeal to the memory. It is that respecting the question, whether committees of correspondence originated in Virginia, or Massachusetts? on which you suppose me to have claimed it for Virginia; but certainly I have never made such a claim. The idea, I suppose, has been taken up from what is said in Wirt's history of Mr. Henry, page 87, and from an inexact attention to its precise terms. It is there said, "this House (of Burgesses, of Virginia) had the merit of originating that powerful engine of resistance, corresponding committees *between the legislatures of the different colonies*." That the fact, as here expressed, is true, your letter bears witness, when it says, that the resolutions of Virginia, for this purpose, were transmitted to the speakers of the different assemblies, and by that of Massachusetts, was laid, at the next session, before that body, who appointed a committee for the specified object: adding, "thus, in Massachusetts, there were two committees of correspondence, one chosen by the people, the other appointed by the House of Assembly; in the former, Massachusetts preceded Virginia; in the latter, Virginia preceded Massachusetts." To the origination of committees for the interior correspondence between the counties and towns of a State, I know of no claim on the part of Virginia; and cer-

tainly none was ever made by myself. I perceive, however, one error, into which memory had led me. Our committee for national correspondence, was appointed in March, '73, and I well remember, that going to Williamsburg, in the month of June following, Peyton Randolph, our Chairman, told me that messengers bearing despatches between the two States, had crossed each other by the way, that of Virginia carrying our propositions for a committee of national correspondence, and that of Massachusetts, bringing, as my memory suggested, a similar proposition. But here I must have misremembered; and the resolutions brought us from Massachusetts, were probably those you mention of the town-meeting of Boston, on the motion of Mr. Samuel Adams, appointing a committee "to state the rights of the colonists, and of that province in particular, and the infringements of them; to communicate them to the several towns, as the sense of the town of Boston, and to request, of each town, a free communication of its sentiments on the subject." I suppose, therefore, that these resolutions were not received, as you think, while the House of Burgesses was in session in March, 1773, but a few days after we rose, and were probably what was sent by the messenger, who crossed ours by the way. They may, however, have been still different. I must, therefore, have been mistaken in supposing, and stating to Mr. Wirt, that the proposition of a committee for national correspondence, was nearly simultaneous in Virginia and Massachusetts.

A similar misapprehension of another passage in Mr. Wirt's book, for which I am also quoted, has produced a similar reclamation on the part of Massachusetts, by some of her most distinguished and estimable citizens. I had been applied to by Mr. Wirt, for such facts respecting Mr. Henry, as my intimacy with him, and participation in the transactions of the day, might have placed within my knowledge. I accordingly committed them to paper; and Virginia being the theatre of his action, was the only subject within my contemplation. While speaking of him, of the resolutions and measures here, in which he had the acknowledged lead, I used the expression, that "Mr. Henry certainly gave the first impulse to the ball of revolution." [Wirt, page 41.] The expression is indeed general, and in all its extension, would comprehend all the sister States; but indulgent construction would restrain it, as was really meant, to the subject matter under contemplation, which was Virginia alone; according to the rule of the lawyers, and a fair canon of general criticism, that every expression should be construed secundum subjectam materiam. Where the first attack was made, there must have been of course, the first act of resistance, and that was in Massachusetts. Our first overt act of war, was Mr. Henry's embodying a force of militia from several counties, regularly armed and organized, marching them in military array, and making reprisal on the King's treasury at the seat of government, for the public powder taken away by

his Governor. This was on the last days of April, 1775. Your formal battle of Lexington, was ten or twelve days before that, and greatly overshadowed in importance, as it preceded in time, our little affray, which merely amounted to a levying of arms against the King; and very possibly, you had had military affrays before the regular battle of Lexington.

These explanations will, I hope, assure you, Sir, that so far as either facts or opinions have been truly quoted from me, they have never been meant to intercept the just fame of Massachusetts, for the promptitude and perseverance of her early resistance. We willingly cede to her the laud of having been (although not exclusively) "the cradle of sound principles," and, if some of us believe she has deflected from them in her course, we retain full confidence in her ultimate return to them.

I will now proceed to your quotation from Mr. Galloway's statement of what passed in Congress, on their Declaration of Independence; in which statement there is not one word of truth, and where bearing some resemblance to truth, it is an entire perversion of it. I do not charge this on Mr. Galloway himself; his desertion having taken place long before these measures, he doubtless received his information from some of the loyal friends whom he left behind him. But as yourself, as well as others, appear embarrassed by inconsistent accounts of the proceedings on that memorable occasion, and as those who have endeavored to restore the truth, have

themselves committed some errors, I will give you some extracts from a written document on that subject; for the truth of which I pledge myself to heaven and earth; having, while the question of Independence was under consideration before Congress, taken written notes, in my seat, of what was passing, and reduced them to form on the final conclusion. I have now before me that paper, from which the following are extracts. "Friday, June 7th, 1776. The delegates from Virginia moved, in obedience to instructions from their constituents, that the Congress should declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together. The House, being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock. Saturday, June 8th. They proceeded to take it into consideration, and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day in debating on the subject.

"It appearing in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania,

Delaware, Maryland and South Carolina, were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1st. But that this might occasion as little delay as possible, a Committee was appointed to prepare a Declaration of Independence. The Committee were John Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston and myself. This was reported to the House on Friday, the 28th of June, when it was read and ordered to lie on the table. On Monday, the 1st of July, the House resolved itself into a Committee of the whole, and resumed the consideration of the original motion made by the delegates of Virginia, which, being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. South Carolina and Pennsylvania voted against it. Delaware had but two members present, and they were divided. The delegates from New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them, to do nothing which should impede that object. They, therefore, thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question,

which was given them. The Committee rose, and reported their resolutions to the House. Mr. Rutledge, of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question, whether the House would agree to the resolution of the Committee, was accordingly postponed to the next day, when it was again moved, and South Carolina concurred in voting for it. In the meantime, a third member had come post from the Delaware counties, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, her vote was changed; so that the whole twelve colonies, who were authorized to vote at all, gave their votes for it; and within a few days [July 9th] the convention of New York approved of it, and this supplied the void occasioned by the withdrawing of their delegates from the vote." [Be careful to observe, that this vacillation and vote were on the original motion of the 7th of June, by the Virginia delegates, that Congress should declare the colonies independent.] "Congress proceeded, the same day, to consider the Declaration of Independence, which had been reported and laid on the table the Friday preceding, and on Monday, referred to a Committee of the whole. The pusillanimous idea, that we had friends in England worth keeping terms with, still haunted

the minds of many. For this reason, those passages which conveyed censures on the people of England were struck out, lest they should give them offence. The debates having taken up the greater parts of the second, third and fourth days of July, were, in the evening of the last, closed; the Declaration was reported by the Committee, agreed to by the House, and signed by every member present except Mr. Dickinson." So far my notes.

Governor M'Kean, in his letter to McCorkle of July 16th, 1817, has thrown some lights on the transactions of that day; but, trusting to his memory chiefly, at an age when our memories are not to be trusted, he has confounded two questions, and ascribed proceedings to one which belonged to the other. These two questions were, 1st, the Virginia motion of June the 7th, to declare Independence; and 2d, the actual Declaration, its matter and form. Thus he states the question on the Declaration itself, as decided on the 1st of July; but it was the Virginia motion which was voted on that day in committee of the whole; South Carolina, as well as Pennsylvania, then voting against it. But the ultimate decision in *the House*, on the report of the Committee, being, by request, postponed to the next morning, all the States voted for it, except New York, whose vote was delayed for the reason before stated. It was not till the 2d of July, that the Declaration itself was taken up; nor till the 4th, that it was decided, and it was signed by every member present, except Mr. Dickinson.

The subsequent signatures of members who were not then present, and some of them not yet in office, is easily explained, if we observe who they were; to wit, that they were of New York and Pennsylvania. New York did not sign till the 15th, because it was not till the 9th (five days after the general signature), that their Convention authorized them to do so. The Convention of Pennsylvania, learning that it had been signed by a minority only of their delegates, named a new delegation on the 20th, leaving out Mr. Dickinson, who had refused to sign, Willing and Humphreys who had withdrawn, re-appointing the three members who had signed, Morris, who had not been present, and five new ones, to wit, Rush, Clymer, Smith, Taylor and Ross: and Morris, and the five new members were permitted to sign, because it manifested the assent of their full delegation, and the express will of their Convention, which might have been doubted on the former signature of a minority only. Why the signature of Thornton, of New Hampshire, was permitted so late as the 4th of November, I cannot now say; but undoubtedly for some particular reason, which we should find to have been good, had it been expressed. These were the only post-signers, and you see, Sir, that there were solid reasons for receiving those of New York and Pennsylvania, and that this circumstance in no wise affects the faith of this Declaratory Charter of our rights, and of the rights of man.

With a view to correct errors of fact before they

become inveterate by repetition, I have stated what I find essentially material in my papers, but with that brevity, which the labor of writing constrains me to use.

On the four particular articles of enquiry in your letter, respecting your grandfather, the venerable Samuel Adams, neither memory nor memorandums enable me to give any information. I can say that he was truly a great man, wise in council, fertile in resources, immoveable in his purposes, and had, I think, a greater share than any other member, in advising and directing our measures, in the Northern war. As a speaker, he could not be compared with his living colleague and namesake, whose deep conceptions, nervous style, and undaunted firmness, made him truly our bulwark in debate. But Mr. Samuel Adams, although not of fluent elocution, was so rigorously logical, so clear in his views, abundant in good sense, and master always of his subject, that he commanded the most profound attention, whenever he rose in an assembly, by which the froth of declamation was heard with the most sovereign contempt. I sincerely rejoice, that the record of his worth is to be undertaken by one so much disposed as you will be, to hand him down fairly to that posterity for whose liberty and happiness he was so zealous a laborer.

With sentiments of sincere veneration for his memory, accept yourself this tribute to it, with the assurance of my great respect.

P. S. August 6th, 1822. Since the date of this letter, to-wit, this day, August 6, '22, I have received the new publication of the Secret Journals of Congress, wherein is stated a resolution of July 19th, 1776, that the Declaration passed on the 4th, be fairly engrossed on parchment, and when engrossed, be signed by every member; and another of August 2nd, that being engrossed and compared at the table, it was signed by the members; that is to say, the copy engrossed on parchment (for durability) was signed by the members, after being compared at the table, with the original one signed on paper as before stated. I add this P. S. to the copy of my letter to Mr. Wells, to prevent confounding the signature of the original with that of the copy engrossed on parchment.

[Note C.]

On the instructions given to the first delegation of Virginia to Congress, in August, 1774.

The Legislature of Virginia happened to be in session, in Williamsburg, when news was received of the passage, by the British Parliament, of the Boston Port Bill, which was to take effect on the first day of June then ensuing. The House of Burgesses, thereupon, passed a resolution, recommending to their fellow-citizens, that that day should be set apart for fasting and prayer to the Supreme Being, imploring

him to avert the calamities then threatening us, and to give us one heart and one mind to oppose every invasion of our liberties. The next day, May the 20th, 1774, the Governor dissolved us. We immediately repaired to a room in the Raleigh tavern, about one hundred paces distant from the Capitol, formed ourselves into a meeting, Peyton Randolph in the chair, and came to resolutions, declaring, that an attack on one colony, to enforce arbitrary acts, ought to be considered as an attack on all, and to be opposed by the united wisdom of all. We, therefore, appointed a Committee of correspondence, to address letters to the Speakers of the several Houses of Representatives of the colonies, proposing the appointment of deputies from each, to meet *annually in a General Congress*, to deliberate on their common interests, and on the measures to be pursued in common. The members then separated to their several homes, except those of the Committee, who met the next day, prepared letters according to instructions, and despatched them by messengers express, to their several destinations. It had been agreed, also, by the meeting, that the Burgesses, who should be elected under the writs then issuing, should be requested to meet in Convention, on a certain day in August, to learn the results of these letters, and to appoint delegates to a Congress, should that measure be approved by the other colonies. At the election, the people re-elected every man of the former Assembly, as a proof of their approbation of what they had

done. Before I left home, to attend the Convention, I prepared what I thought might be given, in instruction, to the Delegates who should be appointed to attend the General Congress proposed. They were drawn in haste, with a number of blanks, with some uncertainties and inaccuracies of historical facts, which I neglected at the moment, knowing they could be readily corrected at the meeting. I set out on my journey, but was taken sick on the road, and was unable to proceed. I therefore sent on, by express, two copies, one under cover to Patrick Henry, the other to Peyton Randolph, who I knew would be in the chair of the Convention. Of the former, no more was ever heard or known. Mr. Henry probably thought it too bold, as a first measure, as the majority of the members did. On the other copy being laid on the table of the Convention, by Peyton Randolph, as the proposition of a member, who was prevented from attendance by sickness on the road, tamer sentiments were preferred, and, I believe, wisely preferred; the leap I proposed being too long, as yet, for the mass of our citizens. The distance between these, and the instructions actually adopted, is of some curiosity, however, as it shews the inequality of pace with which we moved, and the prudence required to keep front and rear together. My creed had been formed on unsheathing the sword at Lexington. They printed the paper, however, and gave it the title of 'A summary view of the rights of British America.' In this form it got to London, where the

opposition took it up, shaped it to opposition views, and, in that form, it ran rapidly through several editions.

Mr. Marshall, in his history of General Washington, chapter 3, speaking of this proposition for Committees of correspondence and for a General Congress, says, 'this measure had already been proposed in town meeting, in Boston,' and some pages before, he had said, that 'at a session of the General Court of Massachusetts, in September, 1770, that Court, in pursuance of a favorite idea of uniting all the colonies in one system of measures, elected a Committee of correspondence, to communicate with such Committees as might be appointed by the other colonies.' This is an error. The Committees of correspondence, elected by Massachusetts, were expressly for a correspondence among the several *towns* of that province only. Besides the text of their proceedings, his own note X, proves this. The first proposition for a general correspondence between the several states, and for a General Congress, was made by our meeting of May, 1774. Botta, copying Marshall, has repeated his error, and so it will be handed on from copyist to copyist, *ad infinitum*. Here follows my proposition, and the more prudent one which was adopted.

Resolved, That it be an instruction to the said deputies, when assembled in General Congress, with the deputies from the other states of British America, to propose to the said Congress, that an humble and dutiful address be presented to his Majesty, begging

leave to lay before him, as Chief Magistrate of the British empire, the united complaints of his Majesty's subjects in America; complaints which are excited by many unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon the rights which God, and the laws, have given equally and independently to all. To represent to his Majesty that these, his States, have often individually made humble application to his imperial Throne, to obtain, through its intervention, some redress of their injured rights; to none of which, was ever even an answer condescended. Humbly to hope that this, their joint address, penned in the language of truth, and divested of those expressions of servility, which would persuade his Majesty that we are asking favors, and not rights, shall obtain from his Majesty a more respectful acceptance; and this his Majesty will think we have reason to expect, when he reflects that he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government, erected for their use, and, consequently, subject to their superintendence; and, in order that these, our rights, as well as the invasions of them, may be laid more fully before his Majesty, to take a view of them, from the origin and first settlement of these countries.

To remind him that our ancestors, before their emigration to America, were the free inhabitants of

the British dominions in Europe, and possessed a right, which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as, to them, shall seem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner, left their native wilds and woods in the North of Europe, had possessed themselves of the Island of Britain, then less charged with inhabitants, and had established there that system of laws which has so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence asserted over them, by that mother country from which they had migrated: and were such a claim made, it is believed his Majesty's subjects in Great Britain have too firm a feeling of the rights derived to them from their ancestors, to bow down the sovereignty of their state before such visionary pretensions. And it is thought that no circumstance has occurred to distinguish, materially, the British from the Saxon emigration. America was conquered, and her settlements made and firmly established, at the expense of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual. For themselves they fought, for themselves they conquered, and for themselves alone they have

right to hold. No shilling was ever issued from the public treasures of his Majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. That then, indeed, having become valuable to Great Britain for her commercial purposes, his Parliament was pleased to lend them assistance against an enemy who would fain have drawn to herself the benefits of their commerce, to the great aggrandisement of herself, and danger of Great Britain. Such assistance, and in such circumstances, they had often before given to Portugal and other allied states, with whom they carry on a commercial intercourse. Yet these states never supposed, that by calling in her aid, they thereby submitted themselves to her sovereignty. Had such terms been proposed, they would have rejected them with disdain, and trusted for better, to the moderation of their enemies, or to a vigorous exertion of their own force. We do not, however, mean to underrate those aids, which, to us, were doubtless valuable, on whatever principles granted: but we would shew that they cannot give a title to that authority which the British Parliament would arrogate over us; and that may amply be repaid by our giving to the inhabitants of Great Britain such exclusive privileges in trade as may be advantageous to them, and, at the same time, not too restrictive to ourselves. That settlement having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws,

under which they had hitherto lived in the mother country, and to continue their union with her, by submitting themselves to the same common sovereign, who was thereby made the central link, connecting the several parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought themselves removed from the hand of oppression, to hold undisturbed the rights thus acquired at the hazard of their lives and loss of their fortunes. A family of Princes was then on the British throne, whose treasonable crimes against their people, brought on them, afterwards, the exertion of those sacred and sovereign rights of punishment, reserved in the hands of the people for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustifiable exertion of power over their subjects on that side of the water, it was not to be expected that those here, much less able at that time to oppose the designs of despotism, should be exempted from injury. Accordingly, this country which had been acquired by the lives, the labors, and fortunes of individual adventurers, was by these Princes, several times, parted out and distributed among the favorites and followers of their fortunes; and, by an assumed right of the Crown alone, were erected into distinct and independent governments; a measure, which it is believed, his Majesty's prudence and

understanding would prevent him from imitating at this day; as no exercise of such power, of dividing and dismembering a country, has ever occurred in his Majesty's realm of England, though now of very ancient standing; nor could it be justified or acquiesced under there, or in any part of his Majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of his Majesty, King Charles the first, whom, notwithstanding his late deposition by the Commonwealth of England, they continued in the sovereignty of their State, the Parliament, for the Commonwealth, took the same in high offence, and assumed upon themselves the power of prohibiting their trade with all other parts of the world, except the Island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty entered into on the 12th day of March, 1651, between the said Commonwealth, by their Commissioners, and the colony of Virginia by their House of Burgesses, it was expressly stipulated by the eighth article of the said treaty, that they should have 'free trade as the people of England do enjoy to all places and with all nations, according to the laws

of that Commonwealth.' But that, upon the restoration of his Majesty, King Charles the second, their rights of free commerce fell once more a victim to arbitrary power; and by several acts of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as show what hopes they might form from the justice of a British Parliament, were its uncontrolled power admitted over these States.[1] History has informed us, that bodies of men as well as of individuals, are susceptible of the spirit of tyranny. A view of these acts of Parliament for regulation, as it has been affectedly called, of the American trade, if all other evidences were removed out of the case, would undeniably evince the truth of this observation. Besides the duties they impose on our articles of export and import, they prohibit our going to any markets Northward of Cape Finisterra, in the kingdom of Spain, for the sale of commodities which Great Britain will not take from us, and for the purchase of others, with which she cannot supply us; and that, for no other than the arbitrary purpose of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who, in confidence, that their exclusive trade with America will be continued, while the principles and power of the British Parliament be the same, have indulged themselves

[1] 12. C. 2. c. 18. 15. C. 2. c. 11. 25. C. 2. c. 7. 7. 8. W. M. c. 22. 11 W. 34. Anne. 6. C. 2. c. 13.

in every exorbitance which their avarice could dictate or our necessity extort: have raised their commodities called for in America, to the double and treble of what they sold for, before such exclusive privileges were given them, and of what better commodities of the same kind would cost us elsewhere; and, at the same time, give us much less for what we carry thither, than might be had at more convenient ports. That these acts prohibit us from carrying, in quest of other purchasers, the surplus of our tobaccos, remaining after the consumption of Great Britain is supplied: so that we must leave them with the British merchant, for whatever he will please to allow us, to be by him re-shipped to foreign markets, where he will reap the benefits of making sale of them for full value. That, to heighten still the idea of Parliamentary justice, and to show with what moderation they are like to exercise power, where themselves are to feel no part of its weight, we take leave to mention to his Majesty, certain other acts of the British Parliament, by which they would prohibit us from manufacturing, for our own use, the articles we raise on our own lands, with our own labor. By an act passed in the fifth year of the reign of his late Majesty, King George the second, an American subject is forbidden to make a hat for himself, of the fur which he has taken, perhaps, on his own soil; an instance of despotism, to which no parallel can be produced in the most arbitrary ages of British history. By

one other act, passed in the twenty-third year of the same reign, the iron which we make, we are forbidden to manufacture; and, heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting, not men, but machines, in the island of Great Britain. In the same spirit of equal and impartial legislation, is to be viewed the act of Parliament, passed in the fifth year of the same reign, by which American lands are made subject to the demands of British creditors, while their own lands were still continued unanswerable for their debts; from which, one of these conclusions must necessarily follow, either that justice is not the same thing in America as in Britain, or else, that the British Parliament pay less regard to it here than there. But, that we do not point out to his Majesty the injustice of these acts, with intent to rest on that principle the cause of their nullity; but to show that experience confirms the propriety of those political principles, which exempt us from the jurisdiction of the British Parliament. The true ground on which we declare these acts void, is, that the British Parliament has no right to exercise authority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested; but they have also intermeddled with the regulation of the internal affairs

of the colonies. The act of the 9th of Anne for establishing a post office in America, seems to have had little connection with British convenience, except that of accommodating his Majesty's ministers and favorites with the sale of a lucrative and easy office.

That thus have we hastened through the reigns which preceded his Majesty's, during which the violation of our rights were less alarming, because repeated at more distant intervals, than that rapid and bold succession of injuries, which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of Parliamentary thunder has involved us, before another more heavy and more alarming is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate, systematical plan of reducing us to slavery.

That the act passed in the fourth year of his Majesty's reign, entitled 'an act — Act for granting certain duties.

One other act passed in the fifth year of his reign, entitled 'an act — Stamp act.

One other act passed in the sixth year of his reign, entitled 'an act — Act declaring the right of Parliament over the colonies.

And one other act passed in the seventh year of his reign, entitled 'an act — Act for granting duties on paper, tea, &c.

> Form that connected chain of Parliamentary usurpation, which has already been the subject of frequent applications to his Majesty, and the Houses of Lords and Commons of Great Britain; and, no answers having yet been condescended to any of these, we shall not trouble his Majesty with a repetition of the matters they contained.

Act suspending legislature of New-York.

But that one other act passed in the same seventh year of his reign, having been a peculiar attempt, must ever require peculiar mention. It is entitled 'an act

One free and independent legislature, hereby takes upon itself to suspend the powers of another, free and independent as itself. Thus exhibiting a phenomenon unknown in nature, the creator, and creature of its own power. Not only the principles of common sense, but the common feelings of human nature must be surrendered up, before his Majesty's subjects here, can be persuaded to believe, that they hold their political existence at the will of a British Parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned, why one hundred and sixty

thousand electors in the island of Great Britain, should give law to four millions in the States of America, every individual of whom is equal to every individual of them in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of one hundred and sixty thousand tyrants; distinguished, too, from all others, by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That, by 'an act to discontinue in such manner, and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares and merchandize, at the town and within the harbor of Boston, in the province of Massachusetts bay, in North America,'[1] which was passed at the last session of the British Parliament, a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while, suppose the question of right suspended, in order to examine this act on principles of justice. An act of Parliament had been passed, imposing duties on teas, to be paid in America, against which act the Americans had protested, as inauthoritative. The East India Company, who till that time, had never sent a pound of

[1] 14. G. 3.

tea to America on their own account, step forth on that occasion, the asserters of Parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New-England alone, the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this, the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known, and were amenable to the laws of the land; against which, it could not be objected, that they had ever, in any instance, been obstructed or diverted from the regular course, in favor of popular offenders. They should, therefore, not have been distrusted on this occasion. But that ill-fated colony had formerly been bold in their enmities against the House of Stuart, and were now devoted to ruin, by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependants, whose con-

stant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of British knighthood, without calling for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that ancient and wealthy town, is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested, in that place, the wealth their honest endeavors had merited, found themselves and their families, thrown at once on the world, for subsistence by its charities. Not the hundredth part of the inhabitants of that town, had been concerned in the act complained of; many of them were in Great Britain, and in other parts beyond the sea; yet all were involved in one indiscriminate ruin, by a new executive power, unheard of till then, that of a British Parliament. A property of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed! And when is this tempest to be arrested in its course? Two wharves are to be opened again when his Majesty shall think proper: the residue, which lined the extensive shores of the bay of Boston, are forever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose, than that of setting a precedent for investing his Majesty with legislative powers. If the pulse of his people shall

beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense, to pretend that this exception was made, in order to restore its commerce to that great town. The trade, which cannot be received at two wharves alone, must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharves. Considered in this light, it would be an insolent and cruel mockery at the annihilation of the town of Boston. By the act for the suppression of riots and tumults in the town of Boston,[1] passed also in the last session of Parliament, a murder committed there, is, if the Governor pleases, to be tried in the court of King's bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the Governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance; and that amount may be whatever a Governor pleases. For who does his Majesty think can be prevailed on to cross the Atlantic for the sole purpose of bearing evidence to a fact? His expenses are to be borne, indeed, as they shall be estimated by a Governor; but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labor? Those epidemical disorders, too, so terrible in a

[1] 14. G. 3.

foreign climate, is the cure of them to be estimated among the articles of expense, and their danger to be warded off by the Almighty power of a Parliament? And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before Judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! A clause, for a similar purpose, had been introduced into an act passed in the twelfth year of his Majesty's reign, entitled, 'an act for the better securing and preserving his Majesty's Dock-yards, Magazines, Ships, Ammunition and Stores;' against which, as meriting the same censures, the several colonies have already protested.

That these are the acts of power, assumed by a body of men foreign to our constitutions, and unacknowledged by our laws; against which we do, on behalf of the inhabitants of British America, enter this, our solemn and determined protest. And we do earnestly intreat his Majesty, as yet the only mediatory power between the several States of the British empire, to recommend to his Parliament of Great Britain, the total revocation of these acts,

which, however nugatory they may be, may yet prove the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his Majesty, as holding the Executive powers of the laws of these States, and mark out his deviations from the line of duty. By the Constitution of Great Britain, as well as of the several American States, his Majesty possesses the power of refusing to pass into a law, any bill which has already passed the other two branches of the legislature. His Majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two Houses of Parliament, while their proceedings were unbiassed by interested principles, for several ages past, have modestly declined the exercise of this power, in that part of his empire called Great Britain. But, by change of circumstances, other principles than those of justice simply, have obtained an influence on their determinations. The addition of new States to the British empire has produced an addition of new, and, sometimes, opposite interests. It is now, therefore, the great office of his Majesty to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power, which we have seen his Majesty practice on the laws of the American legislature.

For the most trifling reasons, and, sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was, unhappily, introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this, by prohibitions, and by imposing duties which might amount to a prohibition, having been hitherto defeated by his Majesty's negative: thus preferring the immediate advantages of a few British corsairs, to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though, in the opposite scale, were placed the interests of a whole country. That this is so shameful an abuse of a power, trusted with his Majesty for other purposes, as if, not reformed, would call for some legal restrictions.

With equal inattention to the necessities of his people here, has his Majesty permitted our laws to lie neglected, in England, for years, neither confirming them by his assent, nor annulling them by his negative: so, that such of them as have no suspending clause, we hold on the most precarious of all tenures, his Majesty's will; and such of them as suspend themselves till his Majesty's assent be

obtained, we have feared might be called into existence at some future and distant period, when time and change of circumstances shall have rendered them destructive to his people here. And, to render this grievance still more oppressive, his Majesty, by his instructions, has laid his Governors under such restrictions, that they can pass no law, of any moment, unless it have such suspending clause: so that, however immediate may be the call for legislative interposition, the law cannot be executed, till it has twice crossed the Atlantic, by which time the evil may have spent its whole force.

But in what terms reconcilable to Majesty, and at the same time to truth, shall we speak of a late instruction to his Majesty's Governor of the colony of Virginia, by which he is forbidden to assent to any law for the division of a county, unless the new county will consent to have no representative in Assembly? That colony has as yet affixed no boundary to the Westward. Their Western counties, therefore, are of an indefinite extent. Some of them are actually seated many hundred miles from their Eastern limits. Is it possible, then, that his Majesty can have bestowed a single thought on the situation of those people, who, in order to obtain justice for injuries, however great or small, must, by the laws of that colony, attend their county court at such a distance, with all their witnesses, monthly, till their litigation be determined? Or does his Majesty seriously wish, and publish it to the world,

that his subjects should give up the glorious right of representation, with all the benefits derived from that, and submit themselves the absolute slaves of his sovereign will? Or is it rather meant to confine the legislative body to their present numbers, that they may be the cheaper bargain, whenever they shall become worth a purchase?

One of the articles of impeachment against Tresilian, and the other Judges of Westminster Hall, in the reign of Richard the Second, for which they suffered death, as traitors to their country, was, that they had advised the King, that he might dissolve his Parliament at any time; and succeeding kings have adopted the opinion of these unjust Judges. Since the establishment, however, of the British constitution, at the glorious Revolution, on its free and ancient principles, neither his Majesty, nor his ancestors, have exercised such a power of dissolution in the island of Great Britain;[1] and when his Majesty was petitioned, by the united voice of his people there, to dissolve the present Parliament, who had become obnoxious to them, his Ministers were heard to declare, in open Parliament, that his Majesty possessed no such power by the constitution. But how different their language, and his practice,

[1] On further inquiry, I find two instances of dissolutions before the Parliament would, of itself, have been at an end: viz., the Parliament called to meet August 24, 1698, was dissolved by King William, December 19, 1700, and a new one called, to meet February 6, 1701, which was also dissolved, November 11, 1701, and a new one met December 30, 1701.

here! To declare, as their duty required, the known rights of their country, to oppose the usurpation of every foreign judicature, to disregard the imperious mandates of a Minister or Governor, have been the avowed causes of dissolving Houses of Representatives in America. But if such powers be really vested in his Majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the confidence of their constituents, when they have notoriously made sale of their most valuable rights, when they have assumed to themselves powers which the people never put into their hands, then, indeed, their continuing in office becomes dangerous to the State, and calls for an exercise of the power of dissolution. Such being the cause for which the representative body should, and should not, be dissolved, will it not appear strange, to an unbiassed observer, that that of Great Britain was not dissolved, while those of the colonies have repeatedly incurred that sentence?

But your Majesty, or your Governors, have carried this power beyond every limit known or provided for by the laws. After dissolving one House of Representatives, they have refused to call another, so that, for a great length of time, the legislature provided by the laws, has been out of existence. From the nature of things, every society must, at all times, possess within itself the sovereign powers of legislation. The feelings of human nature revolt

against the supposition of a State so situated, as that it may not, in any emergency, provide against dangers which, perhaps, threaten immediate ruin. While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess, and may exercise, those powers. But when they are dissolved, by the lopping off one or more of their branches, the power reverts to the people, who may use it to unlimited extent, either assembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace consequences further; the dangers are conspicuous with which this practice is replete.

That we shall, at this time also, take notice of an error in the nature of our land holdings, which crept in at a very early period of our settlement. The introduction of the Feudal tenures into the kingdom of England, though ancient, is well enough understood to set this matter in a proper light. In the earlier ages of the Saxon settlement, feudal holdings were certainly altogether unknown, and very few, if any, had been introduced at the time of the Norman conquest. Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disincumbered with any superior, answering nearly to the nature of those possessions which the Feudalist term Allodial. William the Norman, first introduced that system generally. The lands which had belonged to those who fell in the battle of Hastings, and in the subsequent insur-

rections of his reign, formed a considerable proportion of the lands of the whole kingdom. These he granted out, subject to feudal duties, as did he also those of a great number of his new subjects, who, by persuasions or threats, were induced to surrender them for that purpose. But still, much was left in the hands of his Saxon subjects, held of no superior, and not subject to feudal conditions. These, therefore, by express laws, enacted to render uniform the system of military defence, were made liable to the same military duties as if they had been feuds; and the Norman lawyers soon found means to saddle them, also, with the other feudal burthens. But still they had not been surrendered to the King, they were not derived from his grant, and therefore they were not holden of him. A general principle was introduced, that "all lands in England were held either mediately or immediately of the Crown;" but this was borrowed from those holdings which were truly feudal, and only applied to others for the purposes of illustration. Feudal holdings were, therefore, but exceptions out of the Saxon laws of possession, under which all lands were held in absolute right. These, therefore, still form the basis or groundwork of the Common law, to prevail wheresoever the exceptions have not taken place. America was not conquered by William the Norman, nor its lands surrendered to him or any of his successors. Possessions there are, undoubtedly, of the Allodial nature. Our ancestors, however, who migrated

hither, were laborers, not lawyers. The fictitious principle, that all lands belong originally to the King, they were early persuaded to believe real, and accordingly took grants of their own lands from the Crown. And while the Crown continued to grant for small sums and on reasonable rents, there was no inducement to arrest the error, and lay it open to public view. But his Majesty has lately taken on him to advance the terms of purchase and of holding, to the double of what they were; by which means, the acquisition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before his Majesty, and to declare, that he has no right to grant lands of himself. From the nature and purpose of civil institutions, all the lands within the limits, which any particular party has circumscribed around itself, are assumed by that society, and subject to their allotment; this may be done by themselves assembled collectively, or by their legislature, to whom they may have delegated sovereign authority; and, if they are allotted in neither of these ways, each individual of the society, may appropriate to himself such lands as he finds vacant, and occupancy will give him title.

That, in order to enforce the arbitrary measures before complained of, his Majesty has, from time to time, sent among us large bodies of armed forces, not made up of the people here, nor raised by the authority of our laws. Did his Majesty possess such

a right as this, it might swallow up all our other rights, whenever he should think proper. But his Majesty has no right to land a single armed man on our shores; and those whom he sends here are liable to our laws, for the suppression and punishment of riots, routs, and unlawful assemblies, or are hostile bodies invading us in defiance of law. When, in the course of the late war, it became expedient that a body of Hanoverian troops should be brought over for the defence of Great Britain, his Majesty's grandfather, our late sovereign, did not pretend to introduce them under any authority he possessed. Such a measure would have given just alarm to his subjects of Great Britain, whose liberties would not be safe if armed men of another country, and of another spirit, might be brought into the realm at any time, without the consent of their legislature. He, therefore, applied to Parliament, who passed an act for that purpose, limiting the number to be brought in, and the time they were to continue. In like manner is his Majesty restrained in every part of the empire. He possesses indeed the executive power of the laws in every State; but they are the laws of the particular State, which he is to administer within that State, and not those of any one within the limits of another. Every State must judge for itself, the number of armed men which they may safely trust among them, of whom they are to consist, and under what restrictions they are to be laid. To render these proceedings still more criminal against our laws, instead of

subjecting the military to the civil power, his majesty has expressly made the civil subordinate to the military. But can his Majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember that force cannot give right.

That these are our grievances, which we have thus laid before his Majesty, with that freedom of language and sentiment which becomes a free people claiming their rights as derived from the laws of nature, and not as the gift of their Chief Magistrate. Let those flatter, who fear: it is not an American art. To give praise where it is not due might be well from the venal, but would ill beseem those who are asserting the rights of human nature. They know, and will, therefore, say, that Kings are the servants, not the proprietors of the people. Open your breast, Sire, to liberal and expanded thought. Let not the name of George the Third, be a blot on the page of history. You are surrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behooves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them, requires not the aid of many counsellors. The whole art of government consists in the

art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all, equal and impartial right. Let no act be passed by any one legislature, which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well-poised empire. This, Sire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue, both to Great Britain and America, the reciprocal advantages of their connection. It is neither our wish nor our interest to separate from her. We are willing, on our part, to sacrifice everything which reason can ask, to the restoration of that tranquillity for which all must wish. On their part, let them be ready to establish union on a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give, for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use, nor to supply those wants which they cannot supply. Still less, let it be proposed, that our properties, within our own territories, shall be taxed or regulated by any

power on earth, but our own. The God who gave us life, gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them. This, Sire, is our last, our determined resolution. And that you will be pleased to interpose, with that efficacy which your earnest endeavors may insure, to procure redress of these our great grievances, to quiet the minds of your subjects in British America against any apprehensions of future encroachment, to establish fraternal love and harmony through the whole empire, and that that may continue to the latest ages of time, is the fervent prayer of all British America.

[Note D.]

August, 1774.

Instructions for the Deputies appointed to meet in General Congress on the part of this Colony.

The unhappy disputes between Great Britain and her American colonies, which began about the third year of the reign of his present Majesty, and since, continually increasing, have proceeded to lengths so dangerous and alarming, as to excite just apprehensions in the minds of his Majesty's faithful subjects of this colony, that they are in danger of being deprived of their natural, ancient, constitutional, and chartered rights, have compelled them to take the same into their most serious consideration; and, being deprived of their usual and accustomed mode

of making known their grievances, have appointed us their representatives to consider what is proper to be done in this dangerous crisis of American affairs. It being our opinion that the united wisdom of North America should be collected in a General Congress of all the colonies, we have appointed the Honorable Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, Esquires, deputies to represent this colony in the said Congress, to be held at Philadelphia, on the first Monday in September next.

And that they may be the better informed of our sentiments, touching the conduct we wish them to observe on this important occasion, we desire that they will express, in the first place, our faith and true allegiance to his Majesty, King George the Third, our lawful and rightful sovereign; and that we are determined, with our lives and fortunes, to support him in the legal exercise of all his just rights and prerogatives. And, however misrepresented, we sincerely approve of a constitutional connection with Great Britain, and wish, most ardently, a return of that intercourse of affection and commercial connection, that formerly united both countries, which can only be effected by a removal of those causes of discontent, which have of late unhappily divided us.

It cannot admit of a doubt, but the British subjects in America are entitled to the same rights and privileges as their fellow subjects possess in Britain;

and therefore, that the power assumed by the British Parliament to bind America by their statutes *in all cases* whatsoever, is unconstitutional, and the source of these unhappy differences.

The end of government would be defeated by the British Parliament exercising a power over the lives, the property, and the liberty of American subjects, who are not, and, from their local circumstances, cannot be, there represented. Of this nature, we consider the several acts of Parliament for raising a revenue in America, for extending the jurisdiction of the courts of Admiralty, for seizing American subjects, and transporting them to Britain to be tried for crimes committed in America, and the several late oppressive acts respecting the town of Boston, and Province of the Massachusetts Bay.

The original constitution of the American colonies possessing their assemblies with the sole right of directing their internal polity, it is absolutely destructive of the end of their institution, that their legislatures should be suspended, or prevented, by hasty dissolutions, from exercising their legislative powers.

Wanting the protection of Britain, we have long acquiesced in their acts of navigation, restrictive of our commerce, which we consider as an ample recompense for such protection; but as those acts derive their efficacy from that foundation alone, we have reason to expect they will be restrained, so as to produce the reasonable purposes of Britain, and not injurious to us.

To obtain redress of these grievances, without which the people of America can neither be safe, free, nor happy, they are willing to undergo the great inconvenience that will be derived to them, from stopping all imports whatever, from Great Britain, after the first day of November next, and also to cease exporting any commodity whatsoever, to the same place, after the tenth day of August, 1775. The earnest desire we have to make as quick and full payment as possible of our debts to Great Britain, and to avoid the heavy injury that would arise to this country from an earlier adoption of the non-exportation plan, after the people have already applied so much of their labor to the perfecting of the present crop, by which means, they have been prevented from pursuing other methods of clothing and supporting their families, have rendered it necessary to restrain you in this article of non-exportation; but it is our desire, that you cordially co-operate with our sister colonies in General Congress, in such other just and proper methods as they, or the majority, shall deem necessary for the accomplishment of these valuable ends.

The proclamation issued by General Gage, in the government of the Province of the Massachusetts Bay, declaring it treason for the inhabitants of that province to assemble themselves to consider of their grievances, and form associations for their common conduct on the occasion, and requiring the civil magistrates and officers to apprehend all such per-

sons, to be tried for their supposed offences, is the most alarming process that ever appeared in a British government; and the said General Gage hath, thereby, assumed, and taken upon himself, powers denied by the constitution to our legal sovereign; that he, not having condescended to disclose by what authority he exercises such extensive and unheard of powers, we are at a loss to determine, whether he intends to justify himself as the representative of the King, or as the Commander-in-Chief of his Majesty's forces in America. If he considers himself as acting in the character of his Majesty's representative, we would remind him that the statute 25th, Edward the Third has expressed and defined all treasonable offences, and that the legislature of Great Britain had declared, that no offence shall be construed to be treason, but such as is pointed out by that statute, and that this was done to take out of the hands of tyrannical Kings, and of weak and wicked Ministers, that deadly weapon, which constructive treason had furnished them with, and which had drawn the blood of the best and honestest men in the kingdom; and that the King of Great Britain hath no right by his proclamation, to subject his people to imprisonment, pains, and penalties.

That if the said General Gage conceives he is empowered to act in this manner, as the Commander-in-Chief of his Majesty's forces in America, this odious and illegal proclamation must be considered as a plain and full declaration, that this despotic Viceroy

will be bound by no law, nor regard the constitutional rights of his Majesty's subjects, whenever they interfere with the plan he has formed for oppressing the good people of the Massachusetts Bay; and, therefore, that the executing, or attempting to execute, such proclamations, will justify resistance and reprisal.

[Note E.]

Monticello, November 1, 1778.

Dear Sir,

I have got through the bill for "proportioning crimes and punishments in cases heretofore capital," and now enclose it to you with a request that you will be so good, as scrupulously to examine and correct it, that it may be presented to our committee with as few defects as possible. In its style, I have aimed at accuracy, brevity, and simplicity, preserving, however, the very words of the established law, wherever their meaning had been sanctioned by judicial decisions, or rendered technical by usage. The same matter, if couched in the modern statutory language, with all its tautologies, redundancies, and circumlocutions, would have spread itself over many pages, and been unintelligible to those whom it most concerns. Indeed, I wished to exhibit a sample of reformation in the barbarous style into which modern statutes have degenerated from their ancient simplicity. And I must pray you to be

as watchful over what I have not said, as what is said; for the omissions of this bill have all their positive meaning. I have thought it better to drop, in silence, the laws we mean to discontinue, and let them be swept away by the general negative words of this, than to detail them in clauses of express repeal. By the side of the text I have written the notes I made, as I went along, for the benefit of my own memory. They may serve to draw your attention to questions, to which the expressions or the omissions of the text may give rise. The extracts from the Anglo-Saxon laws, the sources of the Common law, I wrote in their original, for my own satisfaction;[1] but I have added Latin, or liberal English translations. From the time of Canute to that of the Magna Charta, you know, the text of our statutes is preserved to us in Latin only, and some old French.

I have strictly observed the scale of punishments settled by the Committee, without being entirely satisfied with it. The *Lex talionis*, although a restitution of the Common law, to the simplicity of which we have generally found it so advantageous to return, will be revolting to the humanized feelings of modern times. An eye for an eye, and a hand for a hand, will exhibit spectacles in execution whose moral effect would be questionable; and even the *membrum pro membro* of Bracton, or the punishment of the offending member, although long authorized by our law,

[1 In this publication, the original Saxon words are given, but, owing to the want of Saxon letter, they are printed in common type.]

for the same offence in a slave has, you know, been not long since repealed, in conformity with public sentiment. This needs reconsideration.

I have heard little of the proceedings of the Assembly, and do not expect to be with you till about the close of the month. In the meantime, present me respectfully to Mrs. Wythe, and accept assurances of the affectionate esteem and respect of, dear Sir,

Your friend and servant.

George Wythe, Esq.

A Bill for proportioning Crimes and Punishments, in cases heretofore Capital.

Whereas, it frequently happens that wicked and dissolute men, resigning themselves to the dominion of inordinate passions, commit violations on the lives, liberties, and property of others, and, the secure enjoyment of these having principally induced men to enter into society, government would be defective in its principal purpose, were it not to restrain such criminal acts, by inflicting due punishments on those who perpetrate them; but it appears, at the same time, equally deducible from the purposes of society, that a member thereof, committing an inferior injury, does not wholly forfeit the protection of his fellow citizens, but, after suffering a punishment in proportion to his offence, is entitled to their protection

from all greater pain, so that it becomes a duty in the legislature to arrange, in a proper scale, the crimes which it may be necessary for them to repress, and to adjust thereto a corresponding gradation of punishments.

And whereas, the reformation of offenders, though an object worthy the attention of the laws, is not effected at all by capital punishments, which exterminate instead of reforming, and should be the last melancholy resource against those whose existence is become inconsistent with the safety of their fellow citizens, which also weaken the State, by cutting off so many who, if reformed, might be restored sound members to society, who, even under a course of correction, might be rendered useful in various labors for the public, and would be living and long-continued spectacles to deter others from committing the like offences.

And forasmuch as the experience of all ages and countries hath shown, that cruel and sanguinary laws defeat their own purpose, by engaging the benevolence of mankind to withhold prosecutions, to smother testimony, or to listen to it with bias, when, if the punishment were only proportioned to the injury, men would feel it their inclination, as well as their duty, to see the laws observed.

For rendering crimes and punishments, therefore, more proportionate to each other:

Be it enacted by the General Assembly, that no crime shall be henceforth punished by the depriva-

tion of life or limb,[1] except those hereinafter ordained to be so punished.

[2] If a man do levy war[3] against the Commonwealth [*in the same*], or be adherent to the enemies of the Commonwealth [*within the same*],[4] giving to them aid or comfort in the Commonwealth, or elsewhere, and thereof be convicted of open deed, by the evidence of two sufficient witnesses, or his own voluntary confession, the said cases, and no[5] others, shall be

[1] This takes away the punishment of cutting off the hand of a person striking another, or drawing his sword in one of the superior courts of justice. Stamf. P. C. 38. 33. H. 8. c. 12. In an earlier stage of the Common law, it was death. Gif hwa gefeohte on Cyninges huse sy he scyldig ealles his yrfes, and sy on Cyninges dome hwæther he lif age de nage: si quis in regis domo pugnet, perdat omnem suam haereditatem, et in regis sit arbitrio, possideat vitam an non possideat. Ll. Inae. 6. Gif hwa on Cyninges healle gefeohte, oththe his wæpne gebrede, and hine mon gefo, sy thæt on Cyninges dome swa death, swa lif, swa he him forgyfan wille: si quis in aula regia pugnet, vel arma sua extrahat et capiatur, sit in regis arbitrio tam mors quam vita, sicut ei condonare voluerit. Ll. Alfr. 7. Gif hwa on Cyninges hirede gefeohte tholige thæt lifes, buton se Cyning him gearian wille: si quis in regia dimicat, perdat vitam, nisi rex hoc illi condonare velit. Ll. Cnuti. 56. 4. Bl. 125.

[2] 25. E. 3. st. 5. c. 2. 7. W. 3. c. 3. § 2.

[3] Though the crime of an accomplice in treason is not here described, yet, Lord Coke says, the partaking and maintaining a treason herein described, makes him a principal in that treason: it being a rule that in treason all are principals. 3 Inst. 138. 2 Inst. 590. 1 H. 6. 5.

[4] These words in the English statute narrow its operation. A man adhering to the enemies of the Commonwealth, in a foreign country, would certainly not be guilty of treason with us, if these words be retained. The convictions of treason of that kind in England have been under that branch of the statute which makes the compassing the king's death treason. Foster 196. 197. But as we omit that branch, we must by other means reach this flagrant case.

[5] The stat. 25. E. 3. directs all other cases of treasons to await the opinion of Parliament. This has the effect of negative words, excluding all other treasons. As we drop that part of the statute,

adjudged treasons which extend to the Commonwealth, and the person so convicted shall suffer death, by hanging,[1] and shall forfeit his lands and goods to the Commonwealth.

If any person commit petty treason, or a husband murder his wife, a parent[2] his child, or a child his

we must, by negative words, prevent an inundation of common law treasons. I strike out the word "it," therefore, and insert "the said cases, and no others." Quære, how far those negative words may affect the case of accomplices above mentioned? Though if their case was within the statute, so as that it needed not await the opinion of Parliament, it should seem to be also within our act, so as not to be ousted by the negative words.

[1] This implies "by the neck." See 2 Hawk. 544. notes n. o.

[2] By the stat. 21. Jac. 1. c. 27. and Act Ass. 1170. c. 12. concealment by the mother of the death of a bastard child is made murder. In justification of this, it is said, that shame is a feeling which operates so strongly on the mind, as frequently to induce the mother of such a child to murder it, in order to conceal her disgrace. The act of concealment, therefore, proves she was influenced by shame, and that influence produces a presumption that she murdered the child. The effect of this law then is, to make what, in its nature, is only presumptive evidence of a murder conclusive of that fact. To this I answer, 1. So many children die before or soon after birth, that to presume all those murdered who are found dead, is a presumption which will lead us oftener wrong than right, and consequently would shed more blood than it would save. 2. If the child were born dead, the mother would naturally choose rather to conceal it, in hopes of still keeping a good character in the neighborhood. So that the act of concealment is far from proving the guilt of murder on the mother. 3. If shame be a powerful affection of the mind, is not parental love also? Is it not the strongest affection known? Is it not greater than even that of self-preservation? While we draw presumptions from shame, one affection of the mind, against the life of the prisoner, should we not give some weight to presumptions from parental love, an affection at least as strong, in favor of life? If concealment of the fact is a presumptive evidence of murder, so strong as to overbalance all other evidence that may possibly be produced to take away the presumption, why not trust the force of this incontestable presumption to the

parent, he shall suffer death by hanging, and his body be delivered to Anatomists to be dissected.

Whosoever committeth murder by poisoning shall suffer death by poison.

Whosoever committeth murder by way of duel shall suffer death by hanging; and if he were the challenger, his body, after death, shall be gibbetted.[1] He who removeth it from the gibbet shall be guilty of a misdemeanor; and the officer shall see that it be replaced.

Whosoever shall commit murder in any other way shall suffer death by hanging.

And in all cases of Petty treason and murder, one half of the lands and goods of the offender, shall be forfeited to the next of kin to the person killed, and the other half descend and go to his own representa-

jury, who are, in a regular course, to hear presumptive, as well as positive testimony? If the presumption arising from the act of concealment, may be destroyed by proof positive or circumstantial to the contrary, why should the legislature preclude that contrary proof? Objection. The crime is difficult to prove, being usually committed in secret. Answer. But circumstantial proof will do; for example, marks of violence, the behavior, countenance, &c. of the prisoner, &c. And if conclusive proof be difficult to be obtained, shall we therefore fasten irremovably upon equivocal proof? Can we change the nature of what is contestable, and make it incontestable? Can we make that conclusive which God and nature have made inconclusive? Solon made no law against parricide, supposing it impossible that any one could be guilty of it; and the Persians, from the same opinion, adjudged all who killed their reputed parents to be bastards; and although parental be yet stronger than filial affection, we admit infanticide proved on the most equivocal testimony, whilst they rejected all proof of an act certainly not more repugnant to nature, as of a thing impossible, unprovable. See Beccaria, § 31.

[1] 25. G. 2. c. 37.

tives. Save only, where one shall slay the challenger in a duel,[1] in which case, no part of his lands or goods shall be forfeited to the kindred of the party slain, but, instead thereof, a moiety shall go to the Commonwealth.

The same evidence[2] shall suffice, and order and course[3] of trial be observed in cases of Petty Treason, as in those of other[4] murders.

Whosoever shall be guilty of manslaughter,[5] shall, for the first offence, be condemned to hard[6] labor

[1] Quære, if the estates of both parties in a duel, should not be forfeited? The deceased is equally guilty with a suicide.

[2] Quære, if these words may not be omitted? By the Common law, one witness in treason was sufficient. Foster 233. Plowd. 8. a. Mirror c. 3. § 34. Waterhouse on Fortesc. de laud. 252. Carth. 144. per. Holt. But Lord Coke, contra 3 inst. 26. The stat. 1. E. 6. c. 12. & 5. E. 6. c. 11. first required two witnesses in treason. The clause against high treason supra, does the same as to high treason; but it seems if 1st and 5th E. 6. are dropped, Petty treason will be tried and proved, as at Common law, by one witness. But quære, Lord Coke being contra, whose opinion it is ever dangerous to neglect.

[3] These words are intended to take away the peremptory challenge of thirty-five jurors. The same words being used 1. 2. Ph. & M. c. 10. are deemed to have restored the peremptory challenge in high treason; and consequently are sufficient to take it away. Foster 237

[4] Petty treason is considered in law only as an aggravated murder. Foster 107. 323. A pardon of all murders, pardons Petty treason. 1 Hale P. C. 378. see 2 H. P. C. 340. 342. It is also included in the word "felony," so that a pardon of all felonies, pardons Petty treason.

[5] Manslaughter is punishable at law, by burning in the hands, and forfeiture of chattels.

[6] It is best, in this act, to lay down principles only, in order that it may not forever be undergoing change; and, to carry into effect the minuter parts of it, frame a bill "for the employment and government of felons, or malefactors, condemned to labor for the Commonwealth," which may serve as an Appendix to this, and in which all the particulars requisite may be directed; and as experience will, from time to

for seven years in the public works, shall forfeit one half of his lands and goods to the next of kin to the person slain; the other half to be sequestered during such term, in the hands and to the use of the Commonwealth, allowing a reasonable part of the profits for the support of his family. The second offence shall be deemed murder.

And where persons, meaning to commit a trespass[1] only, or larceny, or other unlawful deed, and doing an act from which involuntary homicide hath ensued, have heretofore been adjudged guilty of manslaughter, or of murder, by transferring such their unlawful intention to an act, much more penal than they could have in probable contemplation; no such case shall hereafter be deemed manslaughter, unless manslaughter was intended, nor murder, unless murder was intended.

In other cases of homicide, the law will not add to the miseries of the party, by punishments and forfeitures.[2]

time, be pointing out amendments, these may be made without touching this fundamental act. See More's Utopia p. 50. for some good hints. Fugitives might, in such a bill, be obliged to work two days for every one they absent themselves.

[1] The shooting at a wild fowl, and killing a man, is homicide by misadventure. Shooting at a pullet, without any design to take it away, is manslaughter; and with a design to take it away, is murder. 6 Sta. tr. 222. To shoot at the poultry of another, and thereby set fire to his house, is arson, in the opinion of some. Dalt. c. 116. 1 Hale's P. C. 569. c. contra.

[2] Beccaria. § 32. Suicide. Homicides are, 1. Justifiable. 2. Excusable. 3. Felonious. For the last, punishments have been already provided. The first are held to be totally without guilt, or rather com-

Whenever sentence of death shall have been pronounced against any person for treason or murder, execution shall be done on the next day but one

mendable. The second are in some cases not quite unblamable. These should subject the party to marks of contrition; viz., the killing of a man in defence of property; so also in defence of one's person, which is a species of excusable homicide, because, although cases may happen where these also are commendable, yet most frequently they are done on too slight appearance of danger; as in return for a blow, kick, fillip, &c.; or on a person's getting into a house, not animo furandi, but perhaps veneris causa, &c. Bracton says, "si quis furem nocturnum occident, ita demum impune foret, si parcere ei sine periculo suo non potuit, si autem potuit, aliter erit. Item erit si quis hamsokne quae dicitur invasio domus contra pacem domini regis in domo sua se defenderit, et invasor occisus fuerit; impersecutus et insultus remanebit, si ille quem invasit aliter se defendere non potuit; dicitur enim quod non est dignus habere pacem qui non vult observare eam." L. 3. c. 23. § 3. "Qui latronem occiderit, non tenetur, nocturnum vel diurnum, si aliter periculum evadere non possit; tenetur tamen si possit. Item non tenetur si per infortunium, et non animo et voluntate occidendi, nec dolus, nec culpa ejus inveniatur." L. 3. c. 36. § 1. The stat. 24. H. 8. c. 5. is therefore merely declaratory of the Common law. See on the general subject Puffend. 2. 5. § 10. 11. 12. 16. 17. Excusable homicides are by misadventure, or in self-defence. It is the opinion of some lawyers, that the Common law punished these with death, and that the statute of Marlbridge, c. 26. and Gloucester, c. 9. first took away this by giving them title to a pardon, as matter of right, and a writ of restitution of their goods. See 2. Inst. 148. 315. 3. Inst. 55. Bracton L. 3. c. 4. § 2. Fleta L. 1. c. 23. § 14. 15. 21. E. 3. 23. But it is believed never to have been capital. 1. H. P. C. 425. 1. Hawk. 75. Foster, 282. 4. Bl. 188. It seems doubtful also, whether at Common law, the party forfeited all his chattels in this case, or only paid a weregild. Foster, ubi supra, doubts, and thinks it of no consequence, as the statute of Gloucester entitles the party to Royal grace, which goes as well to forfeiture as life. To me there seems no reason for calling these excusable homicides, and the killing a man in defence of property, a justifiable homicide. The latter is less guiltless than misadventure or self-defence.

Suicide is by law punishable by forfeiture of chattels. This bill exempts it from forfeiture. The suicide injures the State less than he

after such sentence, unless it be Sunday, and then on the Monday following.[1]

Whosoever shall be guilty of Rape,[2] Polyg-

who leaves it with his effects. If the latter then be not punished, the former should not. As to the example, we need not fear its influence. Men are too much attached to life, to exhibit frequent instances of depriving themselves of it. At any rate, the quasi-punishment of confiscation will not prevent it. For if one be found who can calmly determine to renounce life, who is so weary of his existence here, as rather to make experiment of what is beyond the grave, can we suppose him, in such a state of mind, susceptible of influence from the losses to his family from confiscation? That men in general, too, disapprove of this severity, is apparent from the constant practice of juries finding the suicide in a state of insanity; because they have no other way of saving the forfeiture. Let it then be done away.

[1] Beccaria. § 19. 25. G. 2. c. 37.

[2] 13. E. 1. c. 34. Forcible abduction of a woman having substance, is felony by 3. H. 7. c. 2. 3. Inst. 61. 4. Bl. 208. If goods be taken, it will be felony as to them, without this statute; and as to the abduction of the woman, quære if not better to leave that, and also kidnapping, 4. Bl. 219. to the Common law remedies, viz., fine, imprisonment, and pillory, Raym. 474. 2 Show. 221. Skin. 47. Comb. 10. the writs of Homine replegiando, Capias in Withernam, Habeas corpus, and the action of trespass? Rape was felony at the Common law. 3. Inst. 60. but see 2. Inst. 181. further—for its definition see 2. Inst. 180. Bracton, L. 3. c. 28. § 1. says the punishment of rape is "amissio membrorum, ut sit membrum pro membro, quia virgo, cum corrumpitur, membrum amittit, et ideo corruptor puniatur in eo in quo deliquit; oculos igitur amittat propter aspectum decoris quo virginem concupivit; amittat et testiculos qui calorem stupri induxerunt. Olim quidem corruptores virginitatis et castitatis suspendebantur et eorum fautores, &c. Modernis tamen temporibus aliter observatur," &c. And Fleta, "solet justiciarius pro quolibet mahemio ad amissionem testiculorum vel oculorum convictum condemnare, sed non sine errore, eo quod id judicium nisi in corruptione virginum tantum competebat; nam pro virginitatis corruptione solebant abscidi et merito judicari, ut sic pro membro quod abstulit, membrum per quod deliquit amitteret, viz., testiculos, qui calorem stupri induxerunt," &c. Fleta, L. 1. c. 40. § 4. "Gif theow man theowne to nydhed genyde, gabte mid his eowende:" "Si servus servam ad stuprum coegerit, compenset hoc

amy,[1] or Sodomy[2] with man or woman, shall be punished, if a man, by castration,[3] if a woman, by cutting through the cartilage of her nose a hole of one half inch in diameter at the least.

virga sua virili. Si quis puellam," &c. Ll. Aelfridi. 25. "Hi purgist femme per forze forfait ad les membres." Ll. Gul. conq. 19. In Dyer, 305, a man was indicted, and found guilty of a rape on a girl of seven years old. The court "doubted of the rape of so tender a girl; but if she had been nine years old, it would have been otherwise." 14. Eliz. Therefore the statute 18. Eliz. c. 6. says, "For plain declaration of law, be it enacted, that if any person shall unlawfully and carnally know and abuse any woman child, under the age of ten years, &c., he shall suffer as a felon, without allowance of clergy." Lord Hale, however, 1. P. C. 630. thinks it rape independent of that statute, to know carnally, a girl under twelve, the age of consent. Yet 4. Bl. 212. seems to neglect this opinion; and as it was founded on the words of 3. E. 1. c. 13. and this is with us omitted, the offence of carnally knowing a girl under twelve, or ten years of age, will not be distinguished from that of any other.

[1] 1. Jac. 1. c. 11. Polygamy was not penal till the statute 1. Jac. The law contented itself with the nullity of the act. 4. Bl. 163. 3. Inst. 88.

[2] 25. H. 8. c. 6. Buggery is twofold. 1. With mankind, 2. with beasts. Buggery is the Genus, of which Sodomy and Bestiality, are the species. 12. Co. 37. says, "note that Sodomy is with mankind." But Finch's L. B. 3. c. 24. "Sodomiary is a carnal copulation against nature, to wit, of man or woman in the same sex, or of either of them with beasts." 12. Co. 36. says, "it appears by the ancient authorities of the law that this was felony." Yet the 25. H. 8. declares it felony, as if supposed not to be so. Britton, c. 9. says, that Sodomites are to be burnt. F. N. B. 269. b. Fleta, L. 1. c. 37. says, "pecorantes et Sodomitae in terra vivi confodiantur." The Mirror makes it treason. Bestiality can never make any progress; it cannot therefore be injurious to society in any great degree, which is the true measure of criminality in foro civili, and will ever be properly and severely punished, by universal derision. It may, therefore, be omitted. It was anciently punished with death, as it has been latterly. Ll. Aelfrid. 31. and 25. H. 8. c. 6. see Beccaria. § 31. Montesq.

[3] Bracton, Fleta, &c.

But no one shall be punished for Polygamy, who shall have married after probable information of the death of his or her husband or wife, or after his or her husband or wife, hath absented him or herself, so that no notice of his or her being alive hath reached such person for seven years together, or hath suffered the punishments before prescribed for rape, polygamy, or sodomy.

Whosoever, on purpose, and of malice forethought shall maim[1] another, or shall disfigure him, by cutting out or disabling the tongue, slitting or cutting off a nose, lip, or ear, branding, or otherwise, shall be maimed, or disfigured in like[2] sort: or if that cannot

[1] 22. 23. Car. 2. c. 1. Maiming was felony at the Common law. Britton, c. 25. "Mahemium autem dici poteri, aubi aliquis in aliqua parte sui corparis laesionem acceperit, per quam affectus sit inutilis ad pugnandum: ut si manus amputetur, vel pes, oculus privetur, vel scerda de osse capitis laveter, vel si quis dentes praecisores amiserit, vel castratus fuerit, et talis pro mahemiato poterit adjudicari." Fleta, L. 1. c. 40. "Et volons que nul maheme ne soit tenus forsque de membre tollet dount home est plus feble a combatre, sicome del oyl, ou de la mayn, ou del pie, ou de la tete debruse, ou de les dentz devant." Britton, c. 25. For further definitions, see Bracton, L. 3. c. 24. § 3. 4. Finch L. B. 3. c. 12. Co. L. 126. a. b. 288. a. 3. Bl. 121. 4. Bl. 205. Stamf. P. C. L. 1. c. 41. I do not find any of these definitions confine the offence to wilful and malicious perpetrations of it. 22. 23. Car. 2. c. 1. called the Coventry act, has the words "on purpose and of malice forethought." Nor does the Common law prescribe the same punishment for disfiguring, as for maiming.

[2] The punishment was by retaliation. "Et come ascun appele serra de tele felonie atteint et attende jugement, si soit le judgment tiel que il perde autriel membre come il avera tollet al pleintyfe. Et sy la pleynte soi faite de femme que avera tollet a home ses membres, en tiel cas perdra la femme la une meyn par jugement, come le membre dount ele axera trespasse." Britton, c. 25. Fleta, B. 1. c. 40. Ll. Aelfr. 19. 40.

be, for want of the same part, then as nearly as may be, in some other part of at least equal value and estimation, in the opinion of a jury, and moreover, shall forfeit one half of his lands and goods to the sufferer.

Whosoever shall counterfeit[1] any coin, current by law within this Commonwealth, or any paper bills issued in the nature of money, or of certificates of loan on the credit of this Commonwealth, or of all or any of the United States of America, or any Inspectors' notes for tobacco, or shall pass any such

[1] 25. E. 3. st. 5. c. 2. 5. El. c. 11. 18. El. c. 1. 8. 9. W. 3. c. 26. 15. 16. G. 2. c. 28. 7. Ann. c. 25. By the laws of Aethelstan and Canute, this was punished by cutting off the hand. "Gif se mynetere ful wurthe slea man tha hand of, the he that ful mid worthe and sette uppon tha mynet smiththan." In English characters and words "if the minter foul [criminal] wert, slay the hand off, that he the foul [crime] with wrought, and set upon the mint-smithery." Ll. Aethelst. 14. "Et si quis praeter hanc, falsam fecerit, perdat manum quacum falsam confecit." Ll. Cnuti. 8. It had been death by the Ll. Aethelredi sub fine. By those of H. 1. "si quis cum falso denario inventus fuerit—fiat justitia mea, saltem de dextro pugno et de testiculis." Anno 1108. Operae pretium vero est audire quam severus rex fuerit in pravos. Monetarios enim fere omnes totius Angliae fecit ementulari, et manus dextras abscindi, quia monetam furtive corruperant. Wilkins ib. et anno 1125. When the Common law became settled, it appears to have been punishable by death. "Est aluid genus criminis quod sub nomine falsi continetur, et tangit coronam domini regis, et ultimum inducit supplicium, sicut de illis qui falsam fabricant monetam, et qui de re non reproba, faciunt reprobam; sicut sunt retonsores denariorum. Bract. L. 3. c. § 2. Fleta, L. 1. c. 22. § 4. Lord Hale thinks it was deemed petty treason at common law. 1. H. P. C. 220. 224. The bringing in false money with *intent* to merchandize, and make payment of it, is treason, by 25. E. 3. But the best proof of the intention, is the act of passing it, and why not leave room for repentance here, as in other cases of felonies intended? 1. H. P. C. 229.

counterfeit coin, paper, bills, or notes, knowing them to be counterfeit; or, for the sake of lucre, shall diminish,[1] case, or wash any such coin, shall be condemned to hard labor six years in the public works, and shall forfeit all his lands and goods to the Commonwealth.

[2] Whosoever committeth Arson, shall be condemned to hard labor five years in the public works, and shall make good the loss of the sufferers threefold.[3]

[1] Clipping, filing, rounding, impairing, scaling, lightening, (the words in the statutes) are included in "diminishing;" gilding, in the word "casing;" coloring in the word "washing;" and falsifying, or making, is "counterfeiting."

[2] 43. L. c. 13. confined to four counties. 22. 23. Car. 2. c. 7. 9. G. 1. c. 22. 9. G. 3. c. 29.

[3] Arson was a felony at Common law—3. Inst. 66; punished by a fine, Ll. Aethelst. 6. But Ll. Cnuti. 61. make it a "scelus inexpiable." "Hus brec and bærnet and open thyfth æberemorth and hlaford swice æfter woruld laga is botleds." Word for word, "house break and burnt, and open theft, and manifest murther, and lord-treachery, after-world's law is bootless." Bracton says it was punished by death. "Si quis turbida seditione incendium fecerit nequiter et in felonia, vel ob inimicitias, vel praedandi causa, capitali puniatur poena vel sententia." Bract. L. 3. 27. He defines it as commissible by burning "aedes alienas." Ib. Britton, c. 9. "Ausi soit enquis de ceux que felonisement en temps de pees eient autre *blees* ou autre *mesons* ars, et ceux que serrount de ceo atteyntz, soient ars issint que eux soient punys par mesme cele chose dount ilz pecherent." Fleta, L. 1. c. 37. is a copy of Bracton. The Mirror c. 1. § 8. says, "Ardours sont que ardent citie, ville, maison home, maison beast, ou auters chatelx, de lour felonie en temps de pace pour haine ou vengeance." Again, c. 2. § 11. pointing out the words of the appellor "jeo dise que Sebright, &c., entiel meason ou *biens* mist de feu." Coke 3. Inst. 67. says, "the ancient authors extended this felony further than houses, viz., to sacks of corn, waynes or carts of coal, wood or other goods." He denies it as commissible, not only on the inset houses, parcel of the mansion

If any person shall, within this Commonwealth, or being a citizen thereof, shall without the same, wilfully destroy,[1] or run[2] away with any sea-vessel, or goods laden on board thereof, or plunder or pilfer any wreck, he shall be condemned to hard labor five years in the public works, and shall make good the loss of the sufferers threefold.

Whosoever committeth Robbery[3] shall be condemned to hard labor four years in the public works, and shall make double reparation to the persons injured.

Whatsoever act, if committed on any Mansion house, would be deemed Burglary,[4] shall be Bur-

house, but the outset also, as barn, stable, cowhouse, sheep house, dairy house, mill house, and the like, parcel of the mansion house. But "burning of a barn, being no parcel of a mansion house, is no felony," unless there be corn or hay within it. Ib. The 22. 23. Car. 2. and 9. G. 1. are the principal statutes against arson. They extend the offence beyond the Common law.

[1] 1. Ann. st. 2. c. 9. 12. Ann. c. 18. 4. G. 1. c. 12. 26. G. 2. c. 19.

[2] 11. 12. W. 3. c. 7.

[3] Robbery was a felony at Common law. 3 Inst. 68. "Scelus inexpiable," by the Ll. Cnuti. 61. [See before in Arson.] It was punished with death. Britt. c. 15, "de robbours et de larouns et de semblables mesfesours, soit ausi ententivement enquis—et tauntost soient ceux robbours juges a la mort." Fleta says, "si quis convictus fuerit de bonis viri robbatis vel asportatis ad sectam regis judicium capitale subibit. L. 1. c. 39. See also Bract. L. 3. c. 32. § 1.

[4] Burglary was felony at the Common law. 3 Inst. 63. It was not distinguished by ancient authors, except the Mirror, from simple House-breaking, ib. 65. Burglary and House-breaking were called "Hamsockne diximus etiam de pacis violatione et de immunitatibus domus, si quis hoc in posterum fecerit ut perdat omne quod habet, et sit in regis arbitrio utrum vitam habeat. Eac we quædon be mundbryce and be ham socnum, sethe hit ofer this do thæt he dolie ealles thæs the age, and sy on Cyninges dome hwæther he life age; and we quoth of

glary, if committed on any other house; and he, who is guilty of Burglary, shall be condemned to hard labor four years in the public works, and shall make double reparation to the persons injured.

Whatsoever act, if committed in the night time, shall constitute the crime of Burglary, shall, if committed in the day, be deemed House-breaking;[1] and

mound-breach, and of home-seeking he who it after this do, that he dole all that he owe [owns], and is in king's doom whether he life owes [owns]. Ll. Eadmundi. c. 6. and see Ll. Cnuti. 61. "hus brec," in notes on Arson. ante. A Burglar was also called a Burgessor. "Et soit enquis de Burgessours et sunt tenus Burgessours trestous ceux que *felonisement* en temps de pees debrusont esglises ou auter mesons, ou murs ou portes de nos cytes, ou de nos Burghes." Britt. c. 10. "Burglaria est nocturna diruptio habitaculi alicujus, vel ecclesiae, etiam murorum, partarumve civitatis aut burgi, ad feloniam aliquam perpetrandam. *Noctanter* dico, recentiores secutus; veteres enim hoc non adjungunt. Spelm. gloss. verb. Burglaria. It was punished with death. Ib. citn. from the office of a Coroner. It may be committed in the outset houses, as well as inset. 3 Inst. 65. though not under the same roof or contiguous, provided they be within the Curtilage or Homestall. 4 Bl. 225. As by the Common law, all felonies were clergiable, the stat. 23 H. 8. c. 1. 5. E. 6. c. 9. and 18 El. c. 7. first distinguished them, by taking the clerical privilege of impunity from the principals, and 3. 4. W. M. c. 9. from accessories before the fact. No *statute* defines what Burglary is. The 12 Ann. c. 7. decides the doubt whether, where breaking is subsequent to entry, it is Burglary. Bacon's Elements had affirmed, and 1. H. P. C. 554. had denied it. Our bill must distinguish them by different degrees of punishment.

[1] At the Common law, the offence of Housebreaking was not distinguished from Burglary, and neither of them from any other larceny. The statutes at first took away clergy from Burglary, which made a leading distinction between the two offences. Later statutes, however, have taken clergy from so many cases of Housebreaking, as nearly to bring the offences together again. These are 23 H. 8. c. 1. 1. E. 6. c. 12. 5 and 6 E. 6. c. 9. 3 and 4 W. M. c. 9. 39 El. c. 15. 10 and 11 W. 3 c. 23. 12 Ann. c. 7. See Barr. 428. 4 Bl. 240. The circumstances which in these statutes characterize the offence. seem to have

whosoever is guilty thereof, shall be condemned to hard labor three years in the public works, and shall make reparation to the persons injured.

Whosoever shall be guilty of Horse-stealing,[1] shall be condemned to hard labor three years in the public works, and shall make reparation to the person injured.

Grand Larceny[2] shall be where the goods stolen are of the value of five dollars; and whosoever shall be guilty thereof, shall be forthwith put in the pillory for one half hour, shall be condemned to hard labor[3]

been occasional and unsystematical. The houses on which Burglary may be committed, and the circumstances which constitute that crime being ascertained, it will be better to define Housebreaking by the same subjects and circumstances, and let the crimes be distinguished only by the hour at which they are committed, and the degree of punishment.

[1] The offence of Horse-stealing seems properly distinguishable from other larcenies, here, where these animals generally run at large, the temptation being so great and frequent, and the facility of commission so remarkable. See 1 E. 6. c. 12. 23 E. 6. c. 33. 31 El. c. 12.

[2] The distinction between grand and petty larceny, is very ancient. At first 8d. was the sum which constituted grand larceny. Ll. Aethelst. c. 1. "Ne parcatur ulli furi, qui furtum manutenens captus sit, supra 12. annos nato, et supra 8. denarios." Afterwards, in the same king's reign it was raised to 12d. "non parcatur alicui furi ultra 12 denarios, et ultra 12 annos nato—ut occidemus illum et capiamus omne quod possidet, et imprimis sumamus rei furto ablatae pretium ab haerede, ac dividatur postea reliquum in duas partes, una pars uxori, si munda, et facinoris conscia non sit; et residuum in duo, dimidium capiat rex, dimidium societas." Ll. Aethelst. Wilkins, p. 65.

[3] Ll. Inae. c. 7. "Si quis furetur ita ut uxor ejus et infans ipsius nesciant, solvat 60. solidos poenae loco. Si autem furetur testantibus omnibus haeredibus suis, *abeant omnes in servitutem.*" Ina was king of the West-Saxons, and began to reign A. C. 688. After the union of

two years in the public works, and shall make reparation to the person injured.

Petty Larceny shall be, where the goods stolen are of less value than five dollars; and whosoever shall be guilty thereof, shall be forthwith put in the pillory for a quarter of an hour, shall be condemned to hard labor one year in the public works, and shall make reparation to the person injured.

Robbery[1] or larceny of bonds, bills obligatory, bills of exchange, or promissory notes for the pay-

the Heptarchy, i. e. temp. Aethelst. inter 924 and 940, we find it punishable with death as above. So it was inter 1017 and 1035, i. e. temp. Cnuti. Ll. Cnuti 61. cited in notes on Arson. In the time of William the Conqueror, it seems to have been made punishable by fine only. Ll. Gul. conq. apud Wilk. p. 218, 220. This commutation, however, was taken away by Ll. H. 1. anno 1108. "Si quis in furto vel latrocinio deprehensus fuisset, suspenderetur; sublata wirgildorum, id est, pecuniarae redemptionis lege." Larceny is the felonious taking and carrying away of the personal goods of another. 1. As to the taking, the 3. 4. W. M. c. 9 § 5. is not additional to the Common law, but declaratory of it; because where only the care or use, and not the possession, of things is delivered, to take them was larceny at the Common law. The 33. H. 6. c. 1. and 21 H. 8. c. 7. indeed, have added to the Common law, by making it larceny in a servant to convert things of his master's. But quære, if they should be imitated more than as to other breaches of trust in general? 2. As to the subject of larceny, 4 G. 2. c. 32. 6 G. 3. c. 36. 48. 43. El. c. 7. 15. Car. 2. c. 2. 23. G. 2. c. 26. 31. G. 2. c. 35. 9. G. 3. c. 41. 25. G. 2. c. 10. have extended larceny to things of various sorts either real, or fixed to the reality. But the enumeration is unsystematical, and in this country, where the produce of the earth is so spontaneous, as to have rendered things of this kind scarcely a breach of civility or good manners, in the eyes of the people, quære, if it would not too much enlarge the field of Criminal law? The same may be questioned of 9 G. 1. c. 22. 13 Car. 2. c. 10. 10 G. 2. c. 32. 5 G. 3. c. 14. 22 and 23 Car. 2. c. 25. 37 E. 3. c. 19. making it felony to steal animals feræ naturæ.

[1] 2 G. 2. c. 25. § 3. 7. G. 3. c. 50.

ment of money or tobacco, lottery tickets, paper bills issued in the nature of money, or of certificates of loan on the credit of this Commonwealth, or of all or any of the United States of America, or Inspectors' notes for tobacco, shall be punished in the same manner as robbery or larceny of the money or tobacco due on, or represented by such papers.

Buyers[1] and receivers of goods taken by way of robbery or larceny, knowing them to have been so taken, shall be deemed accessaries to such robbery or larceny after the fact.

Prison-breakers,[2] also, shall be deemed accessaries after the fact, to traitors or felons whom they enlarge from prison.[3]

[1] 3. 4. W. M. c. 9. § 4. 5 Ann. c. 31. § 5. 4 G. 1. c. 11. § 1.

[2] 1 E. 2.

[3] Breach of prison at the Common law was capital, without regard to the crime for which the party was committed. "Cum pro criminis qualitate in carcerem recepti fuerint, conspiraverint (ut ruptis vinculis aut fracto carcere) evadant, amplius (quam causa pro qua recepti sunt exposeit) puniendi sunt, videlicet ultimo supplicio, quamvis ex eo crimine innocentes inveniantur, propter quod inducti sunt in carcerem et imparcati." Bracton L. 3. c. 9. § 4. Britt. c. 11. Fleta, L. 1. c. 26. § 4. Yet in the Y. B. Hill. 1. H. 7. 2. Hussey says, that by the opinion of Billing and Choke, and all the justices, it was a felony in strangers only, but not in the prisoner himself. S. C. Fitz. Abr. Coron. 48. They are principal felons, not accessories. ib. Whether it was felony in the prisoner at Common law, is doubted. Stam. P. C. 30. b. The Mirror c. 5. § 1, says, "abusion est a tener escape de prisoner, ou de bruserie del gaole pur peche mortell, car cel usage nest garrant per nul ley, ne in nul part est use forsque in cest realme, et en France, eins [mais] est leu garrantie de ceo faire per la ley de nature." 2 Inst. 589. The stat. 1. E. 2. de fraugentibus prisonam, restrained the judgment of life and limb for prison breaking, to cases where the offence of the prisoner required such judgment.

All attempts to delude the people, or to abuse their understanding by exercise of the pretended arts of witchcraft, conjuration, enchantment, or sorcery, or by pretended prophecies, shall be punished by ducking and whipping, at the discretion of a jury, not exceeding fifteen stripes.[1]

If the principal offenders be fled,[2] or secreted from justice, in any case not touching life or member, the

It is not only vain, but wicked, in a legislator to frame laws in opposition to the laws of nature, and to arm them with the terrors of death. This is truly creating crimes in order to punish them. The law of nature impels every one to escape from confinement; it should not, therefore, be subjected to punishment. Let the legislator restrain his criminal by walls, not by parchment. As to strangers breaking prison to enlarge an offender, they should, and may be fairly considered as accessaries after the fact. This bill says nothing of the prisoner releasing himself by breach of jail, he will have the benefit of the first section of the bill, which repeals the judgment of life and death at the common law.

[1] Gif wiccan owwe wigleras nansworan, owwe morthwyrhtan owwe fule afylede æbere horcwenan ahwhar on lande wurthan agytene, thonne fyrsie man of earde and clænsie tha theode, owwe on earde forfare hi mid ealle, buton hi geswican and the deoper gebetan: if witches, or weirds, man-swearers, or murther-wroughters, or foul, defiled, open whore-queens, aywhere in the land were gotten, then force them off earth, and cleanse the nation, or in earth forth-fare them withal, buton they beseech, and deeply better. Ll. Ed. et Guthr. c. 11. "Sagae, mulieres barbara, factitantes sacrificia, aut pestiferi, si cui mortem intulerint, neque id inficiari poterint, capitis poena esto." Ll. Aethelst. c. 6. apud Lambard. Ll. Aelfr. 30. Ll. Cnuti. c. 4. "Mesme cel jugement (d'etrears) eyent sorcers, et sorceresses, &c. ut supra. Fleta ut et ubi supra. 3. Inst. 44. Trial of witches before Hale in 1664. The statutes 33 H. 8. c. 8. 5. El. c. 16 and 1. Jac. 1. c. 12. seem to be only in confirmation of the Common law. 9 G. 2. c. 25. punishes them with pillory, and a year's imprisonment. 3 E. 6. c. 15. 5 El. c. 15. punish fond, fantastical and false prophecies, by fine and imprisonment.

[2] 1 Ann. c. 9. § 2.

accessaries may, notwithstanding, be prosecuted as if their principal were convicted.[1]

If any offender stand mute of obstinacy,[2] or challenge peremptorily more of the jurors than by law he may, being first warned of the consequence thereof, the court shall proceed as if he had confessed the charge.[3]

Pardon and Privilege of clergy, shall henceforth be abolished, that none may be induced to injure through hope of impunity. But if the verdict be against the defendant, and the court before whom the offence is heard and determined, shall doubt that it may be untrue for defect of testimony, or other cause, they may direct a new trial to be had.[4]

[1] As every treason includes within it a misprision of treason, so every felony includes a misprision, or misdemeanor. 1 Hale P. C. 652. 708. "Licet fuerit felonia, tamen in eo continetur misprisio." 2 R. 3. 10. Both principal and accessary, therefore, may be proceeded against in any case, either for felony or misprision, at the Common law. Capital cases not being mentioned here, accessaries to them will of course be triable for misprisions, if the offender flies.

[2] E. 1. c. 12.

[3] Whether the judgment of penance lay at Common law. See 2 Inst. 178. 2 H. P. C. 321. 4 Bl. 322. It was given on standing mute; but on challenging more than the legal number, whether that sentence, or sentence of death is to be given, seems doubtful. 2 H. P. C. 316. Quære, whether it would not be better to consider the supernumerary challenge as merely void, and to proceed in the trial? Quære too, in case of silence?

[4] "Cum Clericus sic de crimine convictus degradetur non sequitur alia poena pro uno delicto, vel pluribus ante degradationem perpetratis. Satis enim sufficit ei pro poena degradatio, quae est magna capitis diminutio, nisi forte convictus fuerit de apostatia, quia hinc primo degradetur, et postea per manum laicalem comburetur, secundum quod accidit in concilio Oxoni celebrato a bonae memoriae S. Cantuanen. Archiepiscopo de quodam diacono, qui se apostatavit pro

No attainder shall work corruption of blood in any case.

In all cases of forfeiture, the widow's dower shall be saved to her, during her title thereto; after which

quadam Judaea; qui cum esset per episcopum degradatus, statim fuit igni traditus per manum laicalem." Bract. L. 3. c. 9. § 2. "Et mesme cel jugement (i. e. qui ils soient ars) eyent sorcers et sorceresses, et sodomites et mescreauntz apertement atteyntz." Britt. c. 9. "Christiani autem Apostatae, sortilegii, et hujusmodi detractari debent et comburi." Fleta, L. 1. c. 37. § 2. see 3. Inst. 39. 12. Rep. 92. 1. H. P. C. 393. The extent of the clerical privilege at the Common law. 1. As to the crimes, seems very obscure and uncertain. It extended to no case where the judgment was not of life, or limb. Note in 2. H. P. C. 326. This therefore excluded it in trespass, petty larceny, or killing se defendendo. In high treason against the person of the King, it seems not to have been allowed. Note 1. H. P. C. 185. Treasons, therefore, not against the King's person immediately, petty treasons and felonies, seem to have been the cases where it was allowed; and even of those, not for insidiatio varium, depopulatio agrorum, or combustio domorum. The statute de Clero, 25. E. 3. st. 3. c. 4. settled the law on this head. 2. As to the persons, it extended to all clerks, always, and toties quoties. 2. H. P. C. 374. To nuns also. Fitz. Abr. Corone. 461. 22. E. 3. The clerical habit and tonsure were considered as evidence of the person being clerical. 26. Assiz. 19. 20. E. 2. Fitz. Corone. 233. By the 9. E. 4. 28. b. 34. H. 6. 49 a. b. simple reading became the evidence. This extended impunity to a great number of laymen, and toties quoties. The stat. 4. H. 7. c. 13. directed that real clerks should, upon a second arraignment, produce their orders, and all others to be burnt in the hand with M. or T. on the first allowance of clergy, and not to be admitted to it a second time. A heretic, Jew, or Turk (as being incapable of orders) could not have clergy. 11. Co. Rep. 29 b. But a Greek, or other alien, reading in a book of his own country, might. Bro. Clergie. 20. So a blind man, if he could speak Latin. Ib. 21. qu. 11. Rep. 29. b. The orders entitling the party, were bishops, priests, deacons and subdeacons, the inferior being reckoned Clerici in minoribus. 2. H. P. C. 373. Quære, however, if this distinction is not founded on the stat. 23. H. 8. c. 1. 25. H. 8. c. 32? By merely dropping all the statutes, it should seem that none but clerks would be entitled to this privilege, and that they would, toties quoties.

it shall be disposed of as if no such saving had been.

The aid of Counsel,[1] and examination of their witnesses on oath, shall be allowed to defendants in criminal prosecutions.

Slaves guilty of any offence[2] punishable in others by labor in the public works, shall be transported to such parts in the West Indies, South America, or Africa, as the Governor shall direct, there to be continued in slavery.

[Note F.]

Notes on the Establishment of a Money Unit, and of a Coinage for the United States.

In fixing the Unit of Money, these circumstances are of principal importance.

I. That it be of *convenient size* to be applied as a measure to the common money transactions of life.

II. That its parts and multiples be in *an easy proportion* to each other, so as to facilitate the money arithmetic.

III. That the Unit and its parts, or divisions, be *so nearly of the value of some of the known coins,* as that they may be of easy adoption for the people.

The Spanish Dollar seems to fulfil all these conditions.

[1] 1. Ann. c. 9.

[2] Manslaughter, counterfeiting, arson, asportation of vessels, robbery, burglary, house-breaking, horse-stealing, larceny.

I. Taking into our view all money transactions, great and small, I question if a common measure of more *convenient size* than the Dollar could be proposed. The value of 100, 1000, 10,000 dollars is well estimated by the mind; so is that of the tenth or the hundredth of a dollar. Few transactions are above or below these limits. The expediency of attending to the size of the money Unit will be evident, to any one who will consider how inconvenient it would be to a manufacturer or merchant, if, instead of the yard for measuring cloth, either the inch or the mile had been made the Unit of Measure.

II. The most *easy ratio* of multiplication and division, is that by ten. Every one knows the facility of Decimal Arithmetic. Every one remembers, that, when learning Money-Arithmetic, he used to be puzzled with adding the farthings, taking out the fours and carrying them on; adding the pence, taking out the twelves and carrying them on; adding the shillings, taking out the twenties and carrying them on; but when he came to the pounds, where he had only tens to carry forward, it was easy and free from error. The bulk of mankind are schoolboys through life. These little perplexities are always great to them. And even mathematical heads feel the relief of an easier, substituted for a more difficult process. Foreigners, too, who trade and travel among us, will find a great facility in understanding our coins and accounts from this

ratio of subdivision. Those who have had occasion to convert the livres, sols, and deniers of the French; the gilders, stivers, and frenings of the Dutch; the pounds, shillings, pence, and farthings of these several States, into each other, can judge how much they would have been aided, had their several subdivisions been in a decimal ratio. Certainly, in all cases, where we are free to choose between easy and difficult modes of operation, it is most rational to choose the easy. The Financier, therefore, in his report, well proposes that our Coins should be in decimal proportions to one another. If we adopt the Dollar for our Unit, we should strike four coins, one of gold, two of silver, and one of copper, viz:

1. A golden piece, equal in value to ten dollars:
2. The Unit or Dollar itself, of silver:
3. The tenth of a Dollar, of silver also:
4. The hundredth of a Dollar, of copper.

Compare the arithmetical operations, on the same sum of money expressed in this form, and expressed in the pound sterling and its division.

	£	s.	d.	qrs.	Dollars.
Addition.	8	13	11	1-2	= 38.65
	4	12	8	3-4	= 20.61
	13	6	8	1-4	= 59.26

	£	s.	d.	qrs.	Dollars.
Subtraction.	8	13	11	1-2	= 38.65
	4	12	8	3-4	= 20.61
	4	1	2	3-4	= 18.04

Multiplication by 8.

£	s.	d.	qrs.	Dollars.
8	13	11	1-2	= 38.65
20				8
173				$309.20
12				
2087				

Division by 8.

£	s.	d.	qrs.	Dollars.
8	13	11	1-2	= 8) 38.65
20				4.83
173				
12				
2087				

4	4
8350	8)8350
8	4)1043
4)66.800	12) 260 3-4
12)16700	20) 21 8 3-4
20)1391 8	£1 1 8 3-4
£69 11 8	

A bare inspection of the above operations will evince the labor which is occasioned by subdividing the Unit into 20ths, 240ths, and 960ths, as the English do, and as we have done; and the ease of subdivision in a decimal ratio. The same difference arises in making payment. An Englishman, to pay £8, 13*s.* 11*d.* 1-2 qrs., must find, by calculation, what combination of the coins of his country will pay this sum; but an American, having the same sum to pay, thus expressed $38.65, will know, by inspection only, that three golden pieces, eight units or dollars, six tenths, and five coppers, pay it precisely.

III. The third condition required is, that the Unit, its multiples, and subdivisions, coincide in value with some of the known coins so nearly, that the people may, by a quick reference in the mind, estimate their value. If this be not attended to, they will be very long in adopting the innovation, if ever they adopt it. Let us examine, in this point of view, each of the four coins proposed.

1. The golden piece will be 1-5 more than a half joe, and 1-15 more than a double guinea. It will be readily estimated, then, by reference to either of them; but more readily and accurately as equal to ten dollars.

2. The Unit, or Dollar, is a known coin, and the most familiar of all, to the minds of the people. It is already adopted from South to North; has identified our currency, and therefore happily offers itself as a Unit already introduced. Our public debt, our requisitions, and their appointments, have given it actual and long possession of the place of Unit. The course of our commerce, too, will bring us more of this than of any other foreign coin, and therefore renders it more worthy of attention. I know of no Unit which can be proposed in competition with the Dollar, but the Pound. But what is the Pound? 1547 grains of fine silver in Georgia; 1289 grains in Virginia, Connecticut, Rhode Island, Massachusetts, and New Hampshire; 1031 1-4 grains in Maryland, Delaware, Pennsylvania, and New Jersey; 966 3-4 grains in North Carolina and New York. Which of these shall we adopt? To which State give that pre-eminence of which all are so jealous? And on which impose the difficulties of a new estimate of their corn, their cattle, and other commodities? Or shall we hang the pound sterling, as a common badge, about all their necks? This contains 1718 3-4 grains of pure silver. It is difficult to familiarize a new coin to the people; it is more difficult to familiarize them to a new coin with an old name. Happily, the dollar is familiar to them all, and is already as much referred to for a measure of value, as their respective provincial pounds.

3. The tenth will be precisely the Spanish bit, or

half pistareen. This is a coin perfectly familiar to us all. When we shall make a new coin, then, equal in value to this, it will be of ready estimate with the people.

4. The hundredth, or copper, will differ little from the copper of the four Eastern States, which is 1-108 of a dollar; still less from the penny of New York and North Carolina, which is 1-96 of a dollar; and somewhat more from the penny or copper of Jersey, Pennsylvania, Delaware, and Maryland, which is 1-90 of a dollar. It will be about the medium between the old and the new coppers of these States, and will therefore soon be substituted for them both. In Virginia, coppers have never been in use. It will be as easy, therefore, to introduce them there of one value as of another. The copper coin proposed will be nearly equal to three-fourths of their penny, which is the same with the penny lawful of the Eastern States.

A great deal of small change is useful in a State, and tends to reduce the price of small articles. Perhaps it would not be amiss to coin three more pieces of silver, one of the value of five-tenths, or half a dollar, one of the value of two-tenths, which would be equal to the Spanish pistareen, and one of the value of five coppers, which would be equal to the Spanish half-bit. We should then have five silver coins, viz.:

1. The Unit or Dollar:
2. The half-dollar or five-tenths:

3. The double tenth, equal to 2, or one-fifth of a dollar, or to the pistareen:

4. The tenth, equal to a Spanish bit:

5. The five copper piece, equal to .5, or one-twentieth of a dollar, or the half-bit.

The plan reported by the Financier is worthy of his sound judgment. It admits, however, of objection, in the size of the Unit. He proposes that this shall be the 1440th part of a dollar: so that it will require 1440 of his units to make the one before proposed. He was led to adopt this by a mathematical attention to our old currencies, all of which this Unit will measure without leaving a fraction. But as our object is to get rid of those currencies, the advantage derived from this coincidence will soon be past, whereas the inconveniences of this Unit will forever remain, if they do not altogether prevent its introduciton. It is defective in two of the three requisites of a Money Unit. 1. It is inconvenient in its application to the ordinary money transactions. 10,000 dollars will require eight figures to express them, to wit, 14,400,000 units. A horse or bullock of eighty dollars value, will require a notation of six figures, to wit, 115,200 units. As a money of account, this will be laborious, even when facilitated by the aid of decimal arithmetic: as a common measure of the value of property, it will be too minute to be comprehended by the people. The French are subjected to very laborious calculations, the Livre being their ordinary money

of account, and this but between 1-5th and 1-6th of a dollar; but what will be our labors, should our money of account be 1-1440th of a dollar? 2. It is neither equal, nor near to any of the known coins in value.

If we determine that a Dollar shall be our Unit, we must then say with precision what a Dollar is. This coin, struck at different times, of different weights and fineness, is of different values. Sir Isaac Newton's assay and representation to the Lords of the Treasury, in 1717, of those which he examined, make their values as follows:

	dwts.	grs.				
The Seville piece of eight ...	17—	12	containing	387	grains of pure sil-	
The Mexico piece of eight ...	17—	10 5-9	"	385	1-2	[ver.
The Pillar piece of eight	17—	9	"	385	3-4	
The new Seville piece of eight	14—		"	308	7-10	

The Financier states the old Dollar as containing 376 grains of fine silver, and the new 365 grains. If the Dollars circulating among us be of every date equally, we should examine the quantity of pure metal in each, and from them form an average for our Unit. This is a work proper to be committed to mathematicians as well as merchants, and which should be decided on actual and accurate experiment.

The quantum of alloy is also to be decided. Some is necessary, to prevent the coin from wearing too fast; too much, fills our pockets with copper, instead of silver. The silver coin assayed by Sir Isaac Newton, varied from 1 1-2 to 76 pennyweights alloy, in

the pound troy of mixed metal. The British standard has 18 dwt.; the Spanish coins assayed by Sir Isaac Newton, have from 18 to 19 1-2 dwt.; the new French crown has in fact 19 1-2, though by edict, it should have 20 dwt., that is 1-12.

The taste of our countrymen will require, that their furniture plate should be as good as the British standard. Taste cannot be controlled by law. Let it then give the law, in a point which is indifferent to a certain degree. Let the Legislature fix the alloy of furniture plate at 18 dwt., the British standard, and Congress that of their coin at one ounce in the pound, the French standard. This proportion has been found convenient for the alloy of gold coin, and it will simplify the system of our mint to alloy both metals in the same degree. The coin, too, being the least pure, will be the less easily melted into plate. These reasons are light, indeed, and, of course, will only weigh, if no heavier ones can be opposed to them.

The proportion between the values of gold and silver is a mercantile problem altogether. It would be inaccurate to fix it by the popular exchanges of a half Joe for eight dollars, a Louis for four French crowns, or five Louis for twenty-three dollars. The first of these, would be to adopt the Spanish proportion between gold and silver; the second, the French; the third, a mere popular barter, wherein convenience is consulted more than accuracy. The legal proportion in Spain is 16 for 1; in England 15 1-2 for

1; in France, 15 for 1. The Spaniards and English are found, in experience, to retain an over-proportion of gold coins, and to lose their silver. The French have a greater proportion of silver. The difference at market has been on the decrease. The Financier states it at present, as at 14 1-2 for one. Just principles will lead us to disregard legal proportions altogether; to enquire into the market price of gold, in the several countries with which we shall principally be connected in commerce, and to take an average from them. Perhaps we might, with safety, lean to a proportion somewhat above par for gold, considering our neighborhood, and commerce with the sources of the coins, and the tendency which the high price of gold in Spain has, to draw thither all that of their mines, leaving silver principally for our and other markets. It is not impossible that 15 for 1, may be found an eligible proportion. I state it, however, as a conjecture only.

As to the alloy for gold coin, the British is an ounce in the pound; the French, Spanish, and Portuguese differ from that, only from a quarter of a grain, to a grain and a half. I should, therefore, prefer the British, merely because its fraction stands in a more simple form, and facilitates the calculations into which it enters.

Should the Unit be fixed at 365 grains of pure silver, gold at 15 for 1, and the alloy of both be one-twelfth, the weight of the coins will be as follows:

	Grains.	Grains.	dwt. Grains.
The Golden piece containing	242 1-3 of pure metal,	22.12 of alloy,	will weigh 11—1.45
The Unit or Dollar	365	33.18	16—14.18
The half dollar, or five tenths,	182 1-2	16.59	8—7.09
The fifth, or Pistareen,	73	6.63	3—7.63
The tenth, or Bit,	36 1-2	3 318	1—15.818
The twentieth, or half Bit,	18 1-4	1.659	19.9

The quantity of fine silver which shall constitute the Unit, being settled, and the proportion of the value of gold to that of silver; a table should be formed from the assay before suggested, classing the several foreign coins according to their fineness, declaring the worth of a pennyweight or grain in each class, and that they shall be lawful tenders at those rates, if not clipped or otherwise diminished; and, where diminished, offering their value for them at the mint, deducting the expense of re-coinage. Here the Legislatures should co-operate with Congress, in providing that no money be received or paid at their treasuries, or by any of their officers, or any bank, but on actual weight; in making it criminal, in a high degree, to diminish their own coins, and, in some smaller degree, to offer them in payment when diminished.

That this subject may be properly prepared, and in readiness for Congress to take up at their meeting in November, something must now be done. The present session drawing to a close, they probably would not choose to enter far into this undertaking themselves. The Committee of the States, however, during the recess, will have time to digest it thoroughly, if Congress will fix some general

principles for their government. Suppose they be instructed,

To appoint proper persons to assay and examine, with the utmost accuracy practicable, the Spanish milled dollars of different dates, in circulation with us.

To assay and examine, in like manner, the fineness of all the other coins which may be found in circulation within these States.

To report to the Committee the result of these assays, by them to be laid before Congress.

To appoint, also, proper persons to enquire what are the proportions between the values of fine gold, and fine silver, at the markets of the several countries with which we are, or probably may be, connected in commerce; and what would be a proper proportion here, having regard to the average of their values at those markets, and to other circumstances, and to report the same to the Committee, by them to be laid before Congress.

To prepare an Ordinance for establishing the Unit of Money within these States; for subdividing it; and for striking coins of gold, silver, and copper, on the following principles:

That the Money Unit of these States shall be equal in value to a Spanish milled dollar containing so much fine silver as the assay, before directed, shall show to be contained, on an average, in dollars of the several dates in circulation with us.

That this Unit shall be divided into tenths and hundredths; that there shall be a coin of silver of the

value of a Unit; one other of the same metal, of the value of one-tenth of a Unit; one other of copper, of the value of the hundredth of a Unit.

That there shall be a coin of gold of the value of ten Units, according to the report before directed, and the judgment of the Committee thereon.

That the alloy of the said coins of gold and silver, shall be equal in weight to one-eleventh part of the fine metal.

That there be proper devices for these coins.

That measures be proposed for preventing their diminution, and also their currency, and that of any others, when diminished.

That the several foreign coins be described and classed in the said Ordinance, the fineness of each class stated, and its value by weight estimated in Units and decimal parts of Units.

And that the said draught of an Ordinance be reported to Congress at their next meeting, for their consideration and determination.

Supplementary Explanations.

The preceding notes having been submitted to the consideration of the Financier, he favored me with his opinion and observations on them, which render necessary the following supplementary explanations.

I observed, in the preceding notes, that the true proportion of value between gold and silver was a mercantile problem altogether, and that, perhaps, fifteen for one, might be found an eligible proportion.

The Financier is so good as to inform me, that this would be higher than the market would justify. Confident of his better information on this subject, I recede from that idea.[1]

He also informs me, that the several coins, in circulation among us, have been already assayed with accuracy, and the result published in a work on that subject. The assay of Sir Isaac Newton had superseded, in my mind, the necessity of this operation as to the older coins, which were the subject of his examination. This later work, with equal reason, may be considered as saving the same trouble as to the latter coins.

So far, then, I accede to the opinions of the Financier. On the other hand, he seems to concur with me, in thinking his smallest fractional division too minute for a Unit, and, therefore, proposes to transfer that denomination to his largest silver coin, containing 1000 of the units first proposed, and worth about 4*s*. 2*d*. lawful, or 25-36 of a Dollar. The only question then remaining between us is, whether the Dollar, or this coin, be best for the Unit. We both agree that *the ease of adoption with the people*, is the thing to be aimed at.

[1] In a newspaper, which frequently gives good details in political economy, I find, under the Hamburgh head, that the present market price of Gold and Silver is, in England, 15.5 for 1: in Russia, 15: in Holland, 14.75: in Savoy, 14.6: in France, 14.42: in Spain, 14.3: in Germany, 14.155: the average of which is 14.675 or 14 5-8. I would still incline to give a little more than the market price for gold, because of its superior convenience in transportation.

1. As to the Dollar, events have overtaken and superseded the question. It is no longer a doubt whether the people can adopt it with ease; they have adopted it, and will have to be turned out of that, into another tract of calculation, if another Unit be assumed. They have now two Units, which they use with equal facility, viz., the Pound of their respective State, and the Dollar. The first of these is peculiar to each State: the second, happily, common to all. In each State, the people have an easy rule of converting the pound of their State into dollars, or dollars into pounds; and this is enough for them, without knowing how this may be done in every State of the Union. Such of them as live near enough the borders of their State to have dealings with their neighbors, learn also the rule of their neighbors: thus, in Virginia and the Eastern States, where the dollar is 6*s*. or 3-10 of a pound, to turn pounds into dollars, they multiply by 10 and divide by 3. To turn dollars into pounds, they multiply by 3, and divide by 10. Those in Virginia who live near to Carolina, where the dollar is 8*s*. or 4-10 of a pound, learn the operation of that State, which is a multiplication by 4, and division by 10, *et e converso*. Those who live near Maryland, where the dollar is 7*s*. 6*d*. or 3-8 of a pound, multiply by 3, and divide by 8, *et e converso*. All these operations are easy, and have been found, by experience, not too much for the arithmetic of the people, when they have occasion to convert their old Unit into dollars, or the reverse.

2. As to the Unit of the Financier; in the States where the dollar is 3-10 of a pound, this Unit will be 5-24. Its conversion into the pound then, will be by a multiplication of 5, and a division by 24. In the States where the dollar is 3-8 of a pound, this Unit will be 25-96 of a pound, and the operation must be to multiply by 25, and divide by 96, *et e converso*. Where the dollar is 4-10 of a pound, this Unit will be 5-18. The simplicity of the fraction, and of course the facility of conversion and reconversion, is therefore against this Unit, and in favor of the dollar, in every instance. The only advantage it has over the dollar, is that it will in every case express our farthing without a remainder; whereas, though the dollar and its decimals will do this in many cases, it will not in all. But, even in these, by extending your notation one figure further, to wit, to thousands, you approximate to perfect accuracy within less than the two-thousandth part of a dollar; an atom in money which every one would neglect. Against this single inconvenience, the other advantages of the dollar are more than sufficient to preponderate. This Unit will present to the people a new coin, and whether they endeavor to estimate its value by comparing it with a Pound, or with a Dollar, the Units they now possess, they will find the fraction very compound, and of course less accommodated to their comprehension and habits than the dollar. Indeed the probability is, that they could never be led to compute in it generally.

The Financier supposes that the 1-100 part of a dollar is not sufficiently small, where the poor are purchasers or vendors. If it is not, make a smaller coin. But I suspect that it is small enough. Let us examine facts, in countries where we are acquainted with them. In Virginia, where our towns are few, small, and of course their demand for necessaries very limited, we have never yet been able to introduce a copper coin at all. The smallest coin which anybody will receive there, is the half-bit, or 1-20 of a dollar. In those States where the towns are larger and more populous, a more habitual barter of small wants, has called for a copper coin of 1-90, 1-96, or 1-108 of a dollar. In England, where the towns are many and populous, and where ages of experience have matured the conveniences of intercourse, they have found that some wants may be supplied for a farthing, or 1-208 of a dollar, and they have accommodated a coin to this want. This business is evidently progressive. In Virginia, we are far behind. In some other States, they are further advanced, to wit, to the appreciation of 1-90, 1-96, 1-108 of a dollar. To this most advanced state, then, I accommodated my smallest coin in the decimal arrangement, as *a money of payment*, corresponding with the *money of account*. I have no doubt the time will come when a smaller coin will be called for. When that comes, let it be made. It will probably be the half of the copper I suppose, that is to say, 5-1000 or .005 of a dollar, this being

very nearly the farthing of England. But it will be time enough to make it, when the people shall be ready to receive it.

My proposition then, is, that our notation of money shall be decimal, descending *ad libitum* of the person noting; that the Unit of this notation shall be a Dollar; that coins shall be accommodated to it from ten dollars to the hundredth of a dollar; and that, to set this on foot, the resolutions be adopted which were proposed in the notes, only substituting *an enquiry into the fineness of the coins* in lieu of *an assay of them.*

[Note G.]

I have sometimes asked myself, whether my country is the better for my having lived at all? I do not know that it is. I have been the instrument of doing the following things; but they would have been done by others; some of them, perhaps, a little better.

The Rivanna had never been used for navigation; scarcely an empty canoe had ever passed down it. Soon after I came of age, I examined its obstructions, set on foot a subscription for removing them, got an Act of Assembly passed, and the thing effected, so as to be used completely and fully for carrying down all our produce.

The Declaration of Independence.

I proposed the demolition of the church establishment, and the freedom of religion. It could only

be done by degrees; to wit, the Act of 1776, c. 2. exempted dissenters from contributions to the Church, and left the Church clergy to be supported by voluntary contributions of their own sect; was continued from year to year, and made perpetual 1779, c. 36. I prepared the act for religious freedom in 1777, as part of the revisal, which was not reported to the Assembly till 1779, and that particular law not passed till 1785, and then by the efforts of Mr. Madison.

The act putting an end to entails.

The act prohibiting the importation of slaves.

The act concerning citizens, and establishing the natural right of man to expatriate himself, at will.

The act changing the course of descents, and giving the inheritance to all the children, &c., equally, I drew as part of the revisal.

The act for apportioning crimes and punishments, part of the same work, I drew. When proposed to the legislature, by Mr. Madison, in 1785, it failed by a single vote. G. K. Taylor afterwards, in 1796, proposed the same subject; avoiding the adoption of any part of the diction of mine, the text of which had been studiously drawn in the technical terms of the law, so as to give no occasion for new questions by new expressions. When I drew mine, public labor was thought the best punishment to be substituted for death. But, while I was in France, I heard of a society in England, who had successfully introduced solitary confinement, and saw the draw-

ing of a prison at Lyons, in France, formed on the idea of solitary confinement. And, being applied to by the Governor of Virginia for the plan of a Capitol and Prison, I sent him the Lyons plan, accompanying it with a drawing on a smaller scale, better adapted to our use. This was in June, 1786. Mr. Taylor very judiciously adopted this idea, (which had now been acted on in Philadelphia, probably from the English model) and substituted labor in confinement, to the public labor proposed by the Committee of revisal; which themselves would have done, had they been to act on the subject again. The public mind was ripe for this in 1796, when Mr. Taylor proposed it, and ripened chiefly by the experiment in Philadelphia; whereas, in 1785, when it had been proposed to our Assembly, they were not quite ripe for it.

In 1789 and 1790, I had a great number of olive plants, of the best kind, sent from Marseilles to Charleston, for South Carolina and Georgia. They were planted, and are flourishing; and, though not yet multiplied, they will be the germ of that cultivation in those States.

In 1790, I got a cask of heavy upland rice, from the river Denbigh, in Africa, about lat. 9° 30′ North, which I sent to Charleston, in hopes it might supersede the culture of the wet rice, which renders South Carolina and Georgia so pestilential through the summer. It was divided, and a part sent to Georgia. I know not whether it has been attended to in South

Carolina; but it has spread in the upper parts of Georgia, so as to have become almost general, and is highly prized. Perhaps it may answer in Tennessee and Kentucky. The greatest service which can be rendered any country is, to add an useful plant to its culture; especially, a bread grain; next in value to bread is oil.

Whether the act for the more general diffusion of knowledge will ever be carried into complete effect, I know not. It was received by the legislature with great enthusiasm at first; and a small effort was made in 1796, by the act to establish public schools, to carry a part of it into effect, viz., that for the establishment of free English schools; but the option given to the courts has defeated the intention of the act.[1]

[Note H.]

New York, October 13, 1789.

Sir,

In the selection of characters to fill the important offices of Government, in the United States, I was naturally led to contemplate the talents and dispositions which I knew you to possess and entertain for the service of your country; and without being

[1 It appears, from a blank space at the bottom of this paper, that a continuation had been intended. Indeed, from the loose manner in which the above notes are written, it may be inferred, that they were originally intended as memoranda only, to be used in some more permanent form.]

able to consult your inclination, or to derive any knowledge of your intention from your letters, either to myself or to any other of your friends, I was determined, as well by motives of private regard, as a conviction of public propriety, to nominate you for the Department of State, which, under its present organization, involves many of the most interesting objects of the Executive authority. But grateful as your acceptance of this commission would be to me, I am, at the same time, desirous to accommodate your wishes, and I have, therefore, forborne to nominate your successor at the court of Versailles, until I should be informed of your determination.

Being on the eve of a journey through the Eastern States, with a view to observe the situation of the country, and in a hope of perfectly re-establishing my health, which a series of indispositions has much impaired, I have deemed it proper to make this communication of your appointment, in order that you might lose no time, should it be your *wish* to visit Virginia during the recess of Congress, which will probably be the most convenient season, both as it may respect your private concerns and the public service.

Unwilling, as I am, to interfere in the direction of your choice of assistants, I shall only take the liberty of observing to you, that from warm recommendations which I have received in behalf of Roger Alden, Esq., assistant Secretary to the late Congress, I have placed all the papers thereunto belonging,

under his care. Those papers which more properly appertain to the office of Foreign Affairs, are under the superintendence of Mr. Jay, who has been so obliging as to continue his good offices, and they are in the immediate charge of Mr. Remsen.

With sentiments of very great esteem and regard,

I have the honor to be, sir,

Your most obedient servant,

GEORGE WASHINGTON.

The Honorable Thomas Jefferson.

I take this occasion to acknowledge the receipt of your several favors, of the 4th and 5th of December of the last, and 10th of May of the present year, and to thank you for the communications therein.

G. W.

NEW YORK, November 30, 1789.

DEAR SIR,

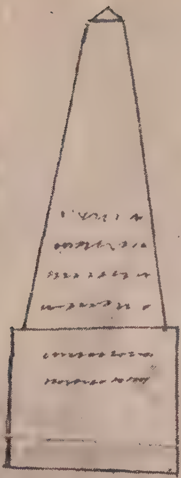
You will perceive by the enclosed letter, (which was left for you at the office of Foreign Affairs, when I made a journey to the Eastern States,) the motives on which I acted with regard to yourself, and the occasion of my explaining them at that early period.

Having now reason to hope, from Mr. Trumbull's report, that you will be arrived at Norfolk before this time, (on which event I would most cordially congratulate you,) and having a safe conveyance by Mr. Griffin, I forward your commission to Virginia; with a request to be made acquainted with your

sentiments as soon as you shall find it convenient to communicate them to me.

With sentiments of very great esteem and regard,
I am, dear sir,
Your most obedient humble servant,
GEORGE WASHINGTON.

The Honorable Thomas Jefferson.



could the dead feel any interest in Monu-
ments or other remembrances of them, when, as
Anacreon says Ὀλίγη δὲ κεισόμεσθα
Κόνις, ὀστέων λυθέντων
the following would be to my Manes the most
gratifying.
On the grave
a plain die or cube of 3.f without any
mouldings, surmounted by an Obelisk
of 6.f. height, each of a single stone:
on the faces of the Obelisk the following
inscription, & not a word more
"Here was buried
Thomas Jefferson
Author of the Declaration of American Independence
of the Statute of Virginia for religious freedom
& Father of the University of Virginia."
because by these, as testimonials that I have lived, I wish most to
be remembered. ~~[illegible]~~ to be of the coarse stone of which
my columns are made, that no one might be tempted
hereafter to destroy it for the value of the materials.
my bust by Ciracchi, with the pedestal and truncated
column on which it stands, might be given to the University
if they would place it in the Dome room of the Rotunda.
on the Die of the Obelisk might be engraved
Born Apr. 2. 1743. O.S.
Died ____

THE ANAS.

INTRODUCTORY NOTE.

The "three volumes bound in marbled paper," to which the introductory "Explanation" refers, contain the celebrated "Anas," up to the time of Jefferson's retirement from the Secretaryship of State on January 1st, 1794. Some of his friends have regretted that they were ever published. However that may be, they have been published, and it was manifestly the purpose of Mr. Jefferson that they should be. Late in life, "when the passions of the times had passed away," he carefully revised them for publication.

"At this day," he says, "after the lapse of twenty-five years, or more, from their dates, I have given to the whole a calm revisal, when the passions of the times are passed away, and the reasons of the transactions act alone upon the judgment. Some of the informations I had recorded, are now cut out from the rest, because I have seen that they were incorrect, or doubtful, or merely personal or private, with which we have nothing to do. I should, perhaps, not have thought the rest worth preserving, but for their testimony against the only history of that period, which pretends to have been compiled from authentic and unpublished documents." Considering these circumstances, these three volumes of the "Anas" ought not to be excluded from a publication professing to be a complete edition of the Writings of Thomas Jefferson. They are accordingly inserted in the form in which he left them after his last revisal.

The supplementary portion of the "Anas," omitted from the Congressional Edition published in 1853, extends from 1797 to 1808, covering many interesting events of Jefferson's first and second Administrations, while President of the United States.

THE ANAS.

EXPLANATION OF THE THREE VOLUMES BOUND IN MARBLED PAPER.

In these three volumes will be found copies of the official opinions[1] given in writing by me to General Washington, while I was Secretary of State, with sometimes the documents belonging to the case. Some of these are the rough draughts, some press copies, some fair ones. In the earlier part of my acting in that office, I took no other note of the passing transactions; but after awhile, I saw the importance of doing it in aid of my memory. Very often, therefore, I made memorandums on loose scraps of paper, taken out of my pocket in the moment, and laid by to be copied fair at leisure, which, however, they hardly ever were. These scraps, therefore, ragged, rubbed, and scribbled as they were, I had bound with the others by a binder who came into my cabinet, did it under my own eye, and without the opportunity of reading a single paper. At this day, after the lapse of twenty-five

[1] The opinions here alluded to will be found in the Official Papers of Jefferson.

years, or more, from their dates, I have given to the whole a calm revisal, when the passions of the time are passed away, and the reasons of the transactions act alone on the judgment. Some of the informations I had recorded, are now cut out from the rest, because I have seen that they were incorrect, or doubtful, or merely personal or private, with which we have nothing to do. I should perhaps have thought the rest not worth preserving, but for their testimony against the only history of that period, which pretends to have been compiled from authentic and unpublished documents.

* * * * * * * *

But a short review of facts * * * will show, that the contests of that day were contests of principle, between the advocates of republican, and those of kingly government, and that had not the former made the efforts they did, our government would have been, even at this early day, a very different thing from what the successful issue of those efforts have made it.

The alliance between the States under the old Articles of Confederation, for the purpose of joint defence against the aggression of Great Britain, was found insufficient, as treaties of alliance generally are, to enforce compliance with their mutual stipulations; and these, once fulfilled, that bond was to expire of itself, and each State to become sovereign and independent in all things. Yet it could not but occur to every one, that these separate independ-

encies, like the petty States of Greece, would be eternally at war with each other, and would become at length the mere partisans and satellites of the leading powers of Europe. All then must have looked forward to some further bond of union, which would insure eternal peace, and a political system of our own, independent of that of Europe. Whether all should be consolidated into a single government, or each remain independent as to internal matters, and the whole form a single nation as to what was foreign only, and whether that national government should be a monarchy or republic, would of course divide opinions, according to the constitutions, the habits, and the circumstances of each individual. Some officers of the army, as it has always been said and believed, (and Steuben and Knox have ever been named as the leading agents,) trained to monarchy by military habits, are understood to have proposed to General Washington to decide this great question by the army before its disbandment, and to assume himself the crown on the assurance of their support. The indignation with which he is said to have scouted this parricide proposition was equally worthy of his virtue and wisdom.

The next effort was, (on suggestion of the same individuals, in the moment of their separation,) the establishment of an hereditary order under the name of the Cincinnati, ready prepared by that distinction to be ingrafted into the future frame of government, and placing General Washington still at their head.

The General wrote to me on this subject, while I was in Congress at Annapolis, and an extract from my letter is inserted in 5th Marshall's history, page 28. He afterwards called on me at that place on his way to a meeting of the society, and after a whole evening of consultation, he left that place fully determined to use all his endeavors for its total suppression. But he found it so firmly riveted in the affections of the members, that, strengthened as they happened to be by an adventitious occurrence of the moment, he could effect no more than the abolition of its hereditary principle. He called again on his return, and explained to me fully the opposition which had been made, the effect of the occurrence from France, and the difficulty with which its duration had been limited to the lives of the present members. Further details will be found among my papers, in his and my letters, and some in the *Encyclopédie Méthodique et Dictionnaire d'Economie Politique*, communicated by myself to M. Meusnier, its author, who had made the establishment of this society the ground, in that work, of a libel on our country.

The want of some authority which should procure justice to the public creditors, and an observance of treaties with foreign nations, produced, some time after, the call of a convention of the States at Annapolis. Although, at this meeting, a difference of opinion was evident on the question of a republican or kingly government, yet, so general through

the States was the sentiment in favor of the former, that the friends of the latter confined themselves to a course of obstruction only, and delay, to everything proposed; they hoped, that nothing being done, and all things going from bad to worse, a kingly government might be usurped, and submitted to by the people, as better than anarchy and wars internal and external, the certain consequences of the present want of a general government. The effect of their manœuvres, with the defective attendance of Deputies from the States, resulted in the measure of calling a more general convention, to be held at Philadelphia. At this, the same party exhibited the same practices, and with the same views of preventing a government of concord, which they foresaw would be republican, and of forcing through anarchy their way to monarchy. But the mass of that convention was too honest, too wise, and too steady, to be baffled and misled by their manœuvres.

One of these was a form of government proposed by Colonel Hamilton, which would have been in fact a compromise between the two parties of royalism and republicanism. According to this, the executive and one branch of the legislature were to be during good behavior, *i. e.* for life, and the governors of the States were to be named by these two permanent organs. This, however, was rejected; on which Hamilton left the convention, as desperate, and never returned again until near its final conclusion. These opinions and efforts, secret or avowed, of the

advocates for monarchy, had begotten great jealousy through the States generally; and this jealousy it was which excited the strong opposition to the conventional constitution; a jealousy which yielded at last only to a general determination to establish certain amendments as barriers against a government either monarchical or consolidated. In what passed through the whole period of these conventions, I have gone on the information of those who were members of them, being absent myself on my mission to France.

I returned from that mission in the first year of the new government, having landed in Virginia in December, 1789, and proceeded to New York in March, 1790, to enter on the office of Secretary of State. Here, certainly, I found a state of things which, of all I had ever contemplated, I the least expected. I had left France in the first year of her revolution, in the fervor of natural rights, and zeal for reformation. My conscientious devotion to these rights could not be heightened, but it had been aroused and excited by daily exercise. The President received me cordially, and my colleagues and the circle of principal citizens apparently with welcome. The courtesies of dinner parties given me, as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversations filled me. Politics were the chief topic, and a preference of kingly over republi-

can government was evidently the favorite sentiment. An apostate I could not be, nor yet a hypocrite; and I found myself, for the most part, the only advocate on the republican side of the question, unless among the guests there chanced to be some member of that party from the legislative Houses. Hamilton's financial system had then passed. It had two objects; 1st, as a puzzle, to exclude popular understanding and inquiry; 2d, as a machine for the corruption of the legislature; for he avowed the opinion, that man could be governed by one of two motives only, force or interest; force, he observed, in this country was out of the question, and the interests, therefore, of the members must be laid hold of, to keep the legislative in unison with the executive. And with grief and shame it must be acknowledged that his machine was not without effect; that even in this, the birth of our government, some members were found sordid enough to bend their duty to their interests, and to look after personal rather than public good.

It is well known that during the war the greatest difficulty we encountered was the want of money or means to pay our soldiers who fought, or our farmers, manufacturers and merchants, who furnished the necessary supplies of food and clothing for them. After the expedient of paper money had exhausted itself, certificates of debt were given to the individual creditors, with assurance of payment so soon as the United States should be able. But the distresses of

these people often obliged them to part with these for the half, the fifth, and even a tenth of their value; and speculators had made a trade of cozening them from the holders by the most fraudulent practices, and persuasions that they would never be paid. In the bill for funding and paying these, Hamilton made no difference between the original holders and the fraudulent purchasers of this paper. Great and just repugnance arose at putting these two classes of creditors on the same footing, and great exertions were used to pay the former the full value, and to the latter, the price only which they had paid, with interest. But this would have prevented the game which was to be played, and for which the minds of greedy members were already tutored and prepared. When the trial of strength on these several efforts had indicated the form in which the bill would finally pass, this being known within doors sooner than without, and especially, than to those who were in distant parts of the Union, the base scramble began. Couriers and relay horses by land, and swift sailing pilot boats by sea, were flying in all directions. Active partners and agents were associated and employed in every State, town, and country neighborhood, and this paper was bought up at five shillings, and even as low as two shillings in the pound, before the holder knew that Congress had already provided for its redemption at par. Immense sums were thus filched from the poor and ignorant, and fortunes accumulated by those who had them-

selves been poor enough before. Men thus enriched by the dexterity of a leader, would follow of course the chief who was leading them to fortune, and become the zealous instruments of all his enterprises.

This game was over, and another was on the carpet at the moment of my arrival; and to this I was most ignorantly and innocently made to hold the candle. This fiscal manœuvre is well known by the name of the Assumption. Independently of the debts of Congress, the States had during the war contracted separate and heavy debts; and Massachusetts particularly, in an absurd attempt, absurdly conducted, on the British post of Penobscot: and the more debt Hamilton could rake up, the more plunder for his mercenaries. This money, whether wisely or foolishly spent, was pretended to have been spent for general purposes, and ought, therefore, to be paid from the general purse. But it was objected, that nobody knew what these debts were, what their amount, or what their proofs. No matter; we will guess them to be twenty millions. But of these twenty millions, we do not know how much should be reimbursed to one State, or how much to another. No matter; we will guess. And so another scramble was set on foot among the several States, and some got much, some little, some nothing. But the main object was obtained, the phalanx of the Treasury was reinforced by additional recruits. This measure produced the most bitter and angry contest ever known in Congress,

before or since the Union of the States. I arrived in the midst of it. But a stranger to the ground, a stranger to the actors on it, so long absent as to have lost all familiarity with the subject, and as yet unaware of its object, I took no concern in it.

The great and trying question, however, was lost in the House of Representatives. So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met and adjourned from day to day without doing anything, the parties being too much out of temper to do business together. The eastern members particularly, who, with Smith from South Carolina, were the principal gamblers in these scenes, threatened a secession and dissolution. Hamilton was in despair. As I was going to the President's one day, I met him in the street. He walked me backwards and forwards before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought; the disgust of those who were called the creditor States; the danger of the *secession* of their members, and the separation of the States. He observed that the members of the administration ought to act in concert; that though this question was not of my department, yet a common duty should make it a common concern; that the President was the centre on which all administrative questions ultimately rested, and that all of us should rally around him, and support, with joint efforts, measures approved by him; and that the

question having been lost by a small majority only, it was probable that an appeal from me to the judgment and discretion of some of my friends, might effect a change in the vote, and the machine of government, now suspended, might be again set into motion. I told him that I was really a stranger to the whole subject; that not having yet informed myself of the system of finances adopted, I knew not how far this was a necessary sequence; that undoubtedly, if its rejection endangered a dissolution of our Union at this incipient stage, I should deem that the most unfortunate of all consequences, to avert which all partial and temporary evils should be yielded. I proposed to him, however, to dine with me the next day, and I would invite another friend or two, bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which was to save the Union.

The discussion took place. I could take no part in it but an exhortatory one, because I was a stranger to the circumstances which should govern it. But it was finally agreed, that whatever importance had been attached to the rejection of this proposition, the preservation of the Union and of concord among the States was more important, and that therefore it would be better that the vote of rejection should be rescinded, to effect which, some members should change their votes. But it was observed that this

pill would be peculiarly bitter to the southern States, and that some concomitant measure should be adopted, to sweeten it a little to them. There had before been propositions to fix the seat of government either at Philadelphia, or at Georgetown on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but White with a revulsion of stomach almost convulsive,) agreed to change their votes, and Hamilton undertook to carry the other point. In doing this, the influence he had established over the eastern members, with the agency of Robert Morris with those of the middle States, effected his side of the engagement; and so the Assumption was passed, and twenty millions of stock divided among favored States, and thrown in as a pabulum to the stock-jobbing herd. This added to the number of votaries to the Treasury, and made its chief the master of every vote in the legislature, which might give to the government the direction suited to his political views.

I know well, and so must be understood, that nothing like a majority in Congress had yielded to this corruption. Far from it. But a division, not very unequal, had already taken place in the honest part of that body, between the parties styled republican and federal. The latter being monarchists in

principle, adhered to Hamilton of course, as their leader in that principle, and this mercenary phalanx added to them, insured him always a majority in both Houses: so that the whole action of legislature was now under the direction of the Treasury. Still the machine was not complete. The effect of the funding system, and of the Assumption, would be temporary; it would be lost with the loss of the individual members whom it has enriched, and some engine of influence more permanent must be contrived, while these myrmidons were yet in place to carry it through all opposition. This engine was the Bank of the United States. All that history is known, so I shall say nothing about it. While the government remained at Philadelphia, a selection of members of both Houses were constantly kept as directors who, on every question interesting to that institution, or to the views of the federal head, voted at the will of that head; and, together with the stock-holding members, could always make the federal vote that of the majority. By this combination, legislative expositions were given to the constitution, and all the administrative laws were shaped on the model of England, and so passed. And from this influence we were not relieved, until the removal from the precincts of the bank, to Washington.

Here then was the real ground of the opposition which was made to the course of administration. Its object was to preserve the legislature pure and

independent of the executive, to restrain the administration to republican forms and principles, and not permit the constitution to be construed into a monarchy, and to be warped, in practice, into all the principles and pollutions of their favorite English model. Nor was this an opposition to General Washington. He was true to the republican charge confided to him; and has solemnly and repeatedly protested to me, in our conversations, that he would lose the last drop of his blood in support of it; and he did this the oftener and with the more earnestness, because he knew my suspicions of Hamilton's designs against it, and wished to quiet them. For he was not aware of the drift, or of the effect of Hamilton's schemes. Unversed in financial projects and calculations and budgets, his approbation of them was bottomed on his confidence in the man.

But Hamilton was not only a monarchist, but for a monarchy bottomed on corruption. In proof of this, I will relate an anecdote, for the truth of which I attest the God who made me. Before the President set out on his southern tour in April, 1791, he addressed a letter of the fourth of that month, from Mount Vernon, to the Secretaries of State, Treasury and War, desiring that if any serious and important cases should arise during his absence, they would consult and act on them. And he requested that the Vice President should also be consulted. This was the only occasion on which that officer was ever requested to take part in a cabinet question. Some

occasion for consultation arising, I invited those gentlemen (and the Attorney General, as well as I remember,) to dine with me, in order to confer on the subject. After the cloth was removed, and our question agreed and dismissed, conversation began on other matters, and by some circumstance, was led to the British constitution, on which Mr. Adams observed, "purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." Hamilton paused and said, "purge it of its corruption, and give to its popular branch equality of representation, and it would become an *impracticable* government: as it stands at present, with all its supposed defects, it is the most perfect government which ever existed." And this was assuredly the exact line which separated the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one: the other, for an hereditary King, with a House of Lords and Commons corrupted to his will, and standing between him and the people.

Hamilton was, indeed, a singular character. Of acute understanding, disinterested, honest, and honorable in all private transactions, amiable in society, and duly valuing virtue in private life, yet so bewitched and perverted by the British example, as to be under thorough conviction that corruption was essential to the government of a nation. Mr. Adams had originally been a republican. The glare

of royalty and nobility, during his mission to England, had made him believe their fascination a necessary ingredient in government; and Shay's rebellion, not sufficiently understood where he then was, seemed to prove that the absence of want and oppression, was not a sufficient guarantee of order. His book on the American constitutions having made known his political bias, he was taken up by the monarchical federalists in his absence, and on his return to the United States, he was by them made to believe that the general disposition of our citizens was favorable to monarchy. He here wrote his "Davila," as a supplement to a former work, and his election to the Presidency confirmed him in his errors. Innumerable addresses too, artfully and industriously poured in upon him, deceived him into a confidence that he was on the pinnacle of popularity, when the gulf was yawning at his feet, which was to swallow up him and his deceivers. For when General Washington was withdrawn, these *energumeni* of royalism, kept in check hitherto by the dread of his honesty, his firmness, his patriotism, and the authority of his name, now mounted on the car of State and free from control, like Phaeton on that of the sun, drove headlong and wild, looking neither to right nor left, nor regarding anything but the objects they were driving at; until, displaying these fully, the eyes of the nation were opened, and a general disbandment of them from the public councils took place.

Mr. Adams, I am sure, has been long since convinced of the treacheries with which he was surrounded during his administration. He has since thoroughly seen, that his constituents were devoted to republican government, and whether his judgment is re-settled on its ancient basis, or not, he is conformed as a good citizen to the will of the majority, and would now, I am persuaded, maintain its republican structure with the zeal and fidelity belonging to his character. For even an enemy has said, "he is always an honest man, and often a great one." But in the fervor of the fury and follies of those who made him their stalking horse, no man who did not witness it can form an idea of their unbridled madness, and the terrorism with which they surrounded themselves. The horrors of the French revolution, then raging, aided them mainly, and using that as a raw head and bloody bones, they were enabled by their stratagems of X. Y. Z. in which * * * * was a leading mountebank, their tales of tub-plots, ocean massacres, bloody buoys, and pulpit lyings and slanderings, and maniacal ravings of their Gardeners, their Osgoods and parishes, to spread alarm into all but the firmest breasts. Their Attorney General had the impudence to say to a republican member, that deportation must be resorted to, of which, said he, "you republicans have set the example;" thus daring to identify us with the murderous Jacobins of France.

These transactions, now recollected but as dreams

of the night, were then sad realities; and nothing rescued us from their liberticide effect, but the unyielding opposition of those firm spirits who sternly maintained their post in defiance of terror, until their fellow citizens could be aroused to their own danger, and rally and rescue the standard of the constitution. This has been happily done. Federalism and monarchism have languished from that moment, until their treasonable combinations with the enemies of their country during the late war, their plots of dismembering the Union, and their Hartford convention, have consigned them to the tomb of the dead; and I fondly hope, "we may now truly say, we are all republicans, all federalists," and that the motto of the standard to which our country will forever rally, will be, "federal union, and republican government;" and sure I am we may say, that we are indebted for the preservation of this point of ralliance, to that opposition of which so injurious an idea is so artfully insinuated and excited in this history.

Much of this relation is notorious to the world; and many intimate proofs of it will be found in these notes. From the moment where they end, of my retiring from the administration, the federalists[1] got unchecked hold of General Washington. His memory was already sensibly impaired by age, the firm tone of mind for which he had been remarkable, was beginning to relax, its energy was abated, a

[1] See conversation with General Washington, October 1, 1792.

listlessness of labor, a desire for tranquillity had crept on him, and a willingness to let others act, and even think for him. Like the rest of mankind, he was disgusted with atrocities of the French revolution, and was not sufficiently aware of the difference between the rabble who were used as instruments of their perpetration, and the steady and rational character of the American people, in which he had not sufficient confidence. The opposition too of the republicans to the British treaty, and the zealous support of the federalists in that unpopular but favorite measure of theirs, had made him all their own. Understanding, moreover, that I disapproved of that treaty, and copiously nourished with falsehoods by a malignant neighbor of mine, who ambitioned to be his correspondent, he had become alienated from myself personally, as from the republican body generally of his fellow-citizens; and he wrote the letters to Mr. Adams and Mr. Carroll, over which, in devotion to his imperishable fame, we must forever weep as monuments of mortal decay.

February 4th, 1818.

CONVERSATION WITH ALEXANDER HAMILTON.

August the 13th, 1791. Notes of a conversation between Alexander Hamilton and Thomas Jefferson. Th: Jefferson mentioned to him a letter received from John Adams, disavowing Publicola, and denying that he ever entertained a wish to bring this country under an hereditary executive, or introduce

an hereditary branch of Legislature, &c. See his letter. Alexander Hamilton condemning Mr. Adams' writings, and most particularly "Davila," as having a tendency to weaken the present government, declared in substance as follows: "I own it is my own opinion, though I do not publish it in Dan or Bersheba, that the present government is not that which will answer the ends of society, by giving stability and protection to its rights, and that it will probably be found expedient to go into the British form. However, since we have undertaken the experiment, I am for giving it a fair course, whatever my expectations may be. The success, indeed, so far, is greater than I had expected, and therefore, at present, success seems more possible than it had done heretofore, and there are still other and other stages of improvement which, if the present does not succeed, may be tried, and ought to be tried, before we give up the republican form altogether; for that mind must be really depraved, which would not prefer the equality of political rights, which is the foundation of pure republicanism, if it can be obtained consistently with order. Therefore, whoever by his writings disturbs the present order of things, is really blameable, however pure his intentions may be, and he was sure Mr. Adams' were pure." This is the substance of a declaration made in much more lengthy terms, and which seemed to be more formal than usual for a private conversation between two, and as if intended to qualify some less

guarded expressions which had been dropped on former occasions. Th: Jefferson has committed it to writing in the moment of A. Hamilton's leaving the room.

December the 25th, 1791, Colonel Gunn (of Georgia) dining the other day with Colonel Hamilton, said to him, with that plain freedom he is known to use, "I wish, Sir, you would advise your friend King, to observe some kind of consistency in his votes. There has been scarcely a question before the Senate on which he has not voted both ways. On the representation bill, for instance, he first voted for the proposition of the Representatives, and ultimately voted against it." "Why," said Colonel Hamilton, "I'll tell you as to that, Colonel Gunn, that it never was intended that bill should pass." Gunn told this to Butler, who told it to Th: Jefferson.

CONVERSATIONS WITH PRESIDENT WASHINGTON.

February the 28th, 1792. I was to have been with him long enough before three o'clock, (which was the hour and day he received visits,) to have opened to him a proposition for doubling the velocity of the post riders, who now travel about fifty miles a day, and might, without difficulty, go one hundred, and for taking measures (by way bills) to know where the delay is, when there is any. I was

delayed by business, so as to have scarcely time to give him the outlines. I ran over them rapidly, and observed afterwards, that I had hitherto never spoken to him on the subject of the post office, not knowing whether it was considered as a revenue law, or a law for the general accommodation of the citizens: that the law just passed seemed to have removed the doubt, by declaring that the whole profits of the office should be applied to extending the posts, and that even the past profits should be refunded by the treasury for the same purpose: that I therefore conceive it was now in the department of the Secretary of State: that I thought it would be advantageous so to declare it for another reason, to wit: that the department of the Treasury possessed already such an influence as to swallow up the whole executive powers, and that even the future Presidents (not supported by the weight of character which himself possessed,) would not be able to make head against this department. That in urging this measure I had certainly no personal interest, since, if I was supposed to have any appetite for power, yet as my career would certainly be exactly as short as his own, the intervening time was too short to be an object. My real wish was to avail the public of every occasion, during the residue of the President's period, to place things on a safe footing. He was now called on to attend his company, and he desired me to come and breakfast with him the next morning.

February the 29th. I did so; and after breakfast we retired to his room, and I unfolded my plan for the post office, and after such an approbation of it as he usually permitted himself on the first presentment of any idea, and desiring me to commit it to writing, he, during that pause of conversation which follows a business closed, said in an affectionate tone, that he had felt much concern at an expression which dropped from me yesterday, and which marked my intention of retiring when he should. That as to himself, many motives obliged him to it. He had, through the whole course of the war, and most particularly at the close of it, uniformly declared his resolution to retire from public affairs, and never to act in any public office; that he had retired under that firm resolution: that the government, however, which had been formed, being found evidently too inefficacious, and it being supposed that his aid was of some consequence towards bringing the people to consent to one of sufficient efficacy for their own good, he consented to come into the convention, and on the same motive, after much pressing, to take a part in the new government, and get it under way. That were he to continue longer, it might give room to say, that having tasted the sweets of office, he could not do without them: that he really felt himself growing old, his bodily health less firm, his memory, always bad, becoming worse, and perhaps the other faculties of his mind showing a decay to others of which he was insensible himself;

that this apprehension particularly oppressed him: that he found, moreover, his activity lessened, business therefore more irksome, and tranquillity and retirement become an irresistible passion. That however he felt himself obliged, for these reasons, to retire from the government, yet he should consider it as unfortunate, if that should bring on the retirement of the great officers of the government, and that this might produce a shock on the public mind of dangerous consequence.

I told him that no man had ever had less desire of entering into public offices than myself; that the circumstance of a perilous war, which brought every thing into danger, and called for all the services which every citizen could render, had induced me to undertake the administration of the government of Virginia; that I had both before and after refused repeated appointments of Congress to go abroad in that sort of office, which, if I had consulted my own gratification, would almost have been the most agreeable to me; that at the end of two years, I resigned the government of Virginia, and retired with a firm resolution never more to appear in public life; that a domestic loss, however, happened, and made me fancy that absence and a change of scene for a time might be expedient for me; that I therefore accepted a foreign appointment, limited to two years; that at the close of that, Doctor Franklin having left France, I was appointed to supply his place, which I had accepted,

and though I continued in it three or four years, it was under the constant idea of remaining only a year or two longer; that the revolution in France coming on, I had so interested myself in the event of that, that when obliged to bring my family home, I had still an idea of returning and awaiting the close of that, to fix the era of my final retirement; that on my arrival here I found he had appointed me to my present office; that he knew I had not come into it without some reluctance; that it was, on my part, a sacrifice of inclination to the opinion that I might be more serviceable here than in France, and with a firm resolution in my mind, to indulge my constant wish for retirement at no very distant day; that when, therefore, I had received his letter, written from Mount Vernon, on his way to Carolina and Georgia, (April the 1st, 1791) and discovered, from an expression in that, that he meant to retire from the government ere long, and as to the precise epoch there could be no doubt, my mind was immediately made up, to make that the epoch of my own retirement from those labors of which I was heartily tired. That, however, I did not believe there was any idea in any of my brethren in the administration of retiring; that on the contrary, I had perceived at a late meeting of the trustees of the sinking fund, that the Secretary of the Treasury had developed the plan he intended to pursue, and that it embraced years in its view.

He said, that he considered the Treasury depart-

ment as a much more limited one, going only to the single object of revenue, while that of the Secretary of State, embracing nearly all the objects of administration, was much more important, and the retirement of the officer therefore, would be more noticed: that though the government had set out with a pretty general good will of the public, yet that symptoms of dissatisfaction had lately shown themselves far beyond what he could have expected, and to what height these might arise, in case of too great a change in the administration, could not be foreseen.

I told him, that in my opinion, there was only a single source of these discontents. Though they had indeed appeared to spread themselves over the War department also, yet I considered that as an overflowing only from their real channel, which would never have taken place, if they had not first been generated in another department, to wit, that of the Treasury. That a system had there been contrived, for deluging the States with paper money instead of gold and silver, for withdrawing our citizens from the pursuits of commerce, manufactures, buildings, and other branches of useful industry, to occupy themselves and their capitals in a species of gambling, destructive of morality, and which had introduced its poison into the government itself. That it was a fact, as certainly known as that he and I were then conversing, that particular members of the legislature, while those laws were on the carpet, had feathered their nests with paper,

had then voted for the laws, and constantly since lent all the energy of their talents, and instrumentality of their offices, to the establishment and enlargement of this system; that they had chained it about our necks for a great length of time, and in order to keep the game in their hands had, from time to time, aided in making such legislative constructions of the constitution, as made it a very different thing from what the people thought they had submitted to; that they had now brought forward a proposition far beyond any one ever yet advanced, and to which the eyes of many were turned, as the decision which was to let us know, whether we live under a limited or an unlimited government. He asked me to what proposition I alluded? I answered, to that in the report on manufactures, which, under color of giving *bounties* for the encouragement of particular manufactures, meant to establish the doctrine, that the power given by the constitution to collect taxes to provide for the *general welfare* of the United States, permitted Congress to take everything under their management which *they* should deem for the *public welfare*, and which is susceptible of the application of money; consequently, that the subsequent enumeration of their powers was not the description to which resort must be had, and did not at all constitute the limits of their authority; that this was a very different question from that of the bank, which was thought an incident to an enumerated

power; that, therefore, this decision was expected with great anxiety; that, indeed, I hoped the proposition would be rejected, believing there was a majority in both Houses against it, and that if it should be, it would be considered as a proof that things were returning into their true channel; and that, at any rate, I looked forward to the broad representation which would shortly take place, for keeping the general constitution on its true ground; and that this would remove a great deal of the discontent which had shown itself. The conversation ended with this last topic. It is here stated nearly as much at length as it really was; the expressions preserved where I could recollect them, and their substance always faithfully stated.

March 1, 1792.

On the 2d of January, 1792, Messrs. Fitzsimmons and Gerry (among others) dined with me. These two staid, with a Mr. Larned of Connecticut, after the company was gone. We got on the subject of references by the legislature to the Heads of departments, considering their mischief in every direction. Gerry and Fitzsimmons clearly opposed to them.

Two days afterwards (January the 4th), Mr. Bourne from Rhode Island presented a memorial from his State, complaining of inequality in the Assumption, and moved to refer it to the Secretary of the Treasury. Fitzsimmons, Gerry and others opposed it; but it was carried.

January the 19th. Fitzsimmons moved, that the *President of the United States* be requested to direct the Secretary of the Treasury, to lay before the House information to enable the legislature to judge of the additional revenue necessary on the increase of the military establishment. The House, on debate, struck out the words, "President of the United States."

March the 7th. The subject resumed. An animated debate took place on the tendency of references to the Heads of departments; and it seemed that a great majority would be against it; the House adjourned. Treasury greatly alarmed, and much industry supposed to be used before next morning, when it was brought on again, and debated through the day, and on the question, the Treasury carried it by thirty-one to twenty-seven; but deeply wounded, since it was seen that all Pennsylvania, except Jacobs, voted against the reference; that Tucker of South Carolina voted for it, and Sumpter absented himself, debauched for the moment only, because of the connection of the question with a further Assumption which South Carolina favored; but showing that they never were to be counted on among the Treasury votes. Some others absented themselves. Gerry changed sides. On the whole, it showed that Treasury influence was tottering.

Committed to writing this 10th of March, 1792.

March the 11th, 1792. Consulted verbally by the President, on whom a committee of the Senate (Izard, Morris, and King) are to wait to-morrow morning, to know whether he will think it proper to redeem our Algerine captives, and make a treaty with the Algerines, on the single vote of the Senate, without taking that of the Representatives.

My opinions run on the following heads:

We must go to Algiers with cash in our hands. Where shall we get it? By loan? By converting money now in the treasury?

Probably a loan might be obtained on the President's authority; but as this could not be repaid without a subsequent act of legislature, the Representatives might refuse it. So if money in the treasury be converted, they may refuse to sanction it.

The subsequent approbation of the Senate being necessary to validate a treaty, they expect to be consulted beforehand, if the case admits.

So the subsequent act of the Representatives being necessary where money is given, why should not they expect to be consulted in like manner, when the case admits. A treaty is a law of the land. But prudence will point out this difference to be attended to in making them; viz. where a treaty contains such articles only as will go into execution of themselves, or be carried into execution by the judges, they may be safely made; but where there are articles which require a law to be passed afterwards by the legislature, great caution is requisite.

For example; the consular convention with France required a very small legislative regulation. This convention was unanimously ratified by the Senate. Yet the same identical men threw by the law to enforce it at the last session, and the Representatives at this session have placed it among the laws which they may take up or not, at their own convenience, as if that was a higher motive than the public faith.

Therefore, against hazarding this transaction without the sanction of both Houses.

The President concurred. The Senate express the motive for this proposition, to be a fear that the Representatives would not keep the secret. He has no opinion of the secrecy of the Senate. In this very case, Mr. Izard made the communication to him, sitting next to him at table, on one hand, while a lady (Mrs. McLane) was on his other hand, and the French minister next to her; and as Mr. Izard got on with his communication, his voice kept rising, and his stutter bolting the words out loudly at intervals, so that the minister might hear if he would. He said he had a great mind at one time to have got up in order to put a stop to Mr. Izard.

March the 11th, 1792. Mr. Sterret tells me, that sitting round a fire the other day with four or five others, [Mr. Smith of South Carolina was one], somebody mentioned that the murderers of Hogeboom,

sheriff of Columbia county, New York, were acquitted. "Aye," says Smith, "this is what comes of your damned *trial by jury*."

1791. Towards the latter end of November, Hamilton had drawn Ternant into a conversation on the subject of the treaty of commerce recommended by the National Assembly of France to be negotiated with us, and, as he had no ready instructions on the subject, he led him into a proposal that Ternant should take the thing up as a volunteer with me, that we should arrange conditions, and let them go for confirmation or refusal. Hamilton communicated this to the President, who came into it, and proposed it to me. I disapproved of it, observing, that such a volunteer project would be binding on us, and not them; that it would enable them to find out how far we would go, and avail themselves of it. However, the President thought it worth trying, and I acquiesced. I prepared a plan of treaty for exchanging the privileges of native subjects, and fixing all duties forever as they now stood. Hamilton did not like this way of fixing the duties, because, he said, many articles here would bear to be raised, and therefore, he would prepare a tariff. He did so, raising duties for the French, from twenty-five to fifty per cent. So they were to give us the privileges of native subjects, and we, as a compensation, were to make them pay higher duties. Hamilton, having made his arrangements with Ham-

mond to pretend that though he had no powers to conclude a treaty of commerce, yet his general commission authorized him to enter into the discussion of one, then proposed to the President at one of our meetings, that the business should be taken up with Hammond in the same informal way. I now discovered the trap which he had laid, by first getting the President into that step with Ternant. I opposed the thing warmly. Hamilton observed, if we did it with Ternant we should also with Hammond. The President thought this reasonable. I desired him to recollect, I had been against it with Ternant, and only acquiesced under his opinion. So the matter went off as to both. His scheme evidently was, to get us engaged first with Ternant, merely that he might have a pretext to engage us on the same ground with Hammond, taking care, at the same time, by an extravagant tariff, to render it impossible we should come to any conclusion with Ternant: probably meaning, at the same time, to propose terms so favorable to Great Britain, as would attach us to that country by treaty. On one of those occasions he asserted, that our commerce with Great Britain and her colonies was put on a much more favorable footing than with France and her colonies. I therefore prepared the tabular comparative view of the footing of our commerce with those nations, which see among my papers. See also my project of a treaty and Hamilton's tariff.

Committed to writing March the 11th, 1792.

It was observable, that whenever, at any of our consultations, anything was proposed as to Great Britain, Hamilton had constantly ready something which Mr. Hammond had communicated to him, which suited the subject and proved the intimacy of their communications; insomuch, that I believe he communicated to Hammond all our views, and knew from him, in return, the views of the British court. Many evidences of this occurred; I will state some. I delivered to the President my report of instructions for Carmichael and Short, on the subject of navigation, boundary and commerce, and desired him to submit it to Hamilton. Hamilton made several just criticisms on different parts of it. But where I asserted that the United States had no right to alienate an inch of the territory of any State, he attacked and denied the doctrine. See my report, his note, and my answer. A few days after came to hand Kirkland's letter, informing us that the British, at Niagara, expected to run a new line between themselves and us; and the reports of Pond and Stedman, informing us it was understood at Niagara, that Captain Stevenson had been sent here by Simcoe to settle that plan with Hammond. Hence Hamilton's attack of the principle I had laid down, in order to prepare the way for this new line. See minute of March the 9th. Another proof. At one of our consultations, about the last of December, I mentioned that I wished to give in my report on commerce, in which I could not avoid recommending a commercial

retaliation against Great Britain. Hamilton opposed it violently; and among other arguments, observed, that it was of more importance to us to have the posts than to commence a commercial war; that this, and this alone, would free us from the expense of the Indian wars; that it would therefore be the height of imprudence in us, while treating for the surrender of the posts, to engage in anything which would irritate them; that if we did so, they would naturally say, "these people mean war, let us therefore hold what we have in our hands." This argument struck me forcibly, and I said, "if there is a hope of obtaining the posts, I agree it would be imprudent to risk that hope by a commercial retaliation. I will, therefore, wait till Mr. Hammond gives me in his assignment of breaches, and if that gives a glimmering of hope that they mean to surrender the posts, I will not give in my report till the next session." Now, Hammond had received my assignment of breaches on the 15th of December, and about the 22d or 23d had made me an apology for not having been able to send me his counter-assignment of breaches; but in terms which showed I might expect it in a few days. From the moment it escaped my lips in the presence of Hamilton, that I would not give in my report till I should see Hammond's counter-complaint, and judge if there was a hope of the posts, Hammond never said a word to me on any occasion, as to the time he should be ready. At length the President

got out of patience, and insisted I should jog him. This I did on the 21st of February, at the President's assembly: he immediately promised I should have it in a few days, and accordingly, on the 5th of March I received it.

Written March the 11th, 1792.

March the 12th, 1792. Sent for by the President, and desired to bring the letter he had signed to the King of France. Went. He said the House of Representatives had, on Saturday, taken up the communication he had made of the King's letter to him, and come to a vote in their own name; that he did not expect this when he sent this message and the letter, otherwise he would have sent the message without the letter, as I had proposed. That he apprehended the legislature would be endeavoring to invade the executive. I told him, I had understood the House had resolved to request him to join their congratulations to his on the completion and acceptance of the constitution; on which part of the vote, there were only two dissentients, (Barnwell and Benson;) that the vote was thirty-five to sixteen on that part which expressed an approbation of the wisdom of the constitution; that in the letter he had signed, I had avoided saying a word in approbation of the constitution, not knowing whether the King, in his heart, approved it. Why, indeed, said he, I begin to doubt very much

of the affairs of France; there are papers from London as late as the 10th of January, which represent them as going into confusion. He read over the letter he had signed, found there was not a word which could commit his judgment about the constitution, and gave it to me back again. This is one of many proofs I have had, of his want of confidence in the event of the French revolution. The fact is, that Gouverneur Morris, a high-flying monarchy man, shutting his eyes and his faith to every fact against his wishes, and believing everything he desires to be true, has kept the President's mind constantly poisoned with his forebodings. That the President wishes the revolution may be established, I believe from several indications. I remember, when I received the news of the King's flight and capture, I first told him of it at his assembly. I never saw him so much dejected by any event in my life. He expressed clearly, on this occasion, his disapprobation of the legislature referring things to the Heads of Departments.

Written March the 12th.

Eodem die. Ten o'clock, A. M. The preceding was about nine o'clock. The President now sends Lear to me, to ask what answer he shall give to the committee, and particularly, whether he shall add to it, that, "in making the communication, it was not his expectation that the House should give any answer." I told Mr. Lear that I thought the House

had a right, independently of legislation, to express sentiments on other subjects. That when these subjects did not belong to any other branch particularly, they would publish them by their own authority; that in the present case, which respected a foreign nation, the President being the organ of our nation with other nations, the House would satisfy their duty, if, instead of a direct communication, they should pass their sentiments through the President; that if expressing a sentiment were really an invasion of the executive power, it was so faint a one, that it would be difficult to demonstrate it to the public, and to a public partial to the French revolution, and not disposed to consider the approbation of it from any quarter as improper. That the Senate, indeed, had given many indications of their wish to invade the executive power: the Representatives had done it in one case, which was indeed mischievous and alarming; that of giving orders to the Heads of the Executive Departments, without consulting the President; but that the late vote for directing the Secretary of the Treasury to report ways and means, though carried, was carried by so small a majority, and with the aid of members so notoriously under a local influence on that question, as to give a hope that the practice would be arrested, and the constitutional course be taken up, of asking the President to have information laid before them. But that in the present instance, it was so far from being clearly an invasion of the Executive, and would

be so little approved by the general voice, that I could not advise the President to express any dissatisfaction at the vote of the House; and I gave Lear, in writing, what I thought should be his answers. See it.

CABINET MEETINGS.

March the 31st. A meeting at the President's; present, Thomas Jefferson, Alexander Hamilton, Henry Knox and Edmond Randolph. The subject was the resolution of the House of Representatives, of March the 27th, to appoint a committee to inquire into the causes of the failure of the late expedition under Major General St. Clair, with the power to call for such persons, papers and records, as may be necessary to assist their inquiries. The committee had written to Knox for the original letters, instructions, &c. The President had called us to consult, merely because it was the first example, and he wished that so far as it should become a precedent, it should be rightly conducted. He neither acknowledged nor denied, nor even doubted the propriety of what the House were doing, for he had not thought upon it, nor was acquainted with subjects of this kind: he could readily conceive there might be papers of so secret a nature, as that they ought not to be given up. We were not prepared, and wished time to think and inquire.

April the 2d. Met again at the President's, on the same subject. We had all considered, and were

of one mind, first, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public: consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President. We had principally consulted the proceedings of the Commons in the case of Sir Robert Walpole, 13 Chandler's Debates. For the first point, see pages 161, 170, 172, 183, 187, 207; for the second, pages 153, 173, 207; for the third, 81, 173, appendix page 44; fourth, page 246. Note; Hamilton agreed with us in all these points, except as to the power of the House to call on Heads of Departments.

He observed, that as to his Department, the act constituting it had made it subject to Congress in some points, but he thought himself not so far subject, as to be obliged to produce all the papers they might call for. They might demand secrets of a very mischievous nature. [Here I thought he began to fear they would go on to examining how far their own members and other persons in the government had been dabbling in stocks, banks, &c., and that he probably would choose in this case to deny their

power; and, in short, he endeavored to place himself subject to the House, when the Executive should propose what he did not like, and subject to the Executive, when the House should propose anything disagreeable.] I observed here a difference between the British Parliament and our Congress; that the former was a legislature, an inquest, and a council (S. C. page 91.) for the King. The latter was, by the constitution, a legislature and an inquest, but not a council. Finally agreed, to speak separately to the members of the committee, and bring them by persuasion into the right channel. It was agreed in this case, that there was not a paper which might not be properly produced; that copies only should be sent, with an assurance, that if they should desire it, a clerk should attend with the originals to be verified by themselves. The committee were Fitzsimmons, Steele, Mercer, Clarke, Sedgwick, Giles and Vining.

April the 9th, 1792. The President had wished to redeem our captives at Algiers, and to make peace with them on paying an annual tribute. The Senate were willing to approve this, but unwilling to have the lower House applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. They thought that to consult the Representatives on one occasion, would give them a handle always to claim

it, and would let them into a participation of the power of making treaties, which the Constitution had given exclusively to the President and Senate. They said too, that if the particular sum was voted by the Representatives, it would not be a secret. The President had no confidence in the secrecy of the Senate, and did not choose to take money from the Treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. I prepared questions for consultation with the Senate, and added, that the Senate were to be apprized, that on the return of the provisional treaty, and after they should advise the ratification, he would not have the seal put to it till the two Houses should vote the money. He asked me, if the treaty stipulating a sum and ratified by him, with the advice of the Senate, would not be good under the Constitution, and obligatory on the Representatives to furnish the money? I answered it certainly would, and that it would be the duty of the Representatives to raise the money; but that they might decline to do what was their duty, and I thought it might be incautious to commit himself by a ratification with a foreign nation, where he might be left in the lurch in the execution: it was possible too, to conceive a treaty, which it would not be their duty to provide for. He said that he did not like throwing too much into democratic hands, that if they would not do what the Constitution called on them to do, the Government

would be at an end, and must *then assume another form*. He stopped here; and I kept silence to see whether he would say anything more in the same line, or add any qualifying expression to soften what he had said; but he did neither.

I had observed, that wherever the agency of either, or both Houses would be requisite subsequent to a treaty, to carry it into effect, it would be prudent to consult them previously, if the occasion admitted. That thus it was, we were in the habit of consulting the Senate previously, when the occasion permitted, because their subsequent ratification would be necessary. That there was the same reason for consulting the lower House previously, where they were to be called on afterwards, and especially in the case of money, as they held the purse strings, and would be jealous of them. However, he desired me to strike out the intimation that the seal would not be put till both Houses should have voted the money.

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April the 6th. The President called on me before breakfast, and first introduced some other matter, then fell on the representation bill, which he had now in his possession for the tenth day. I had before given him my opinion in writing, that the method of apportionment was contrary to the Constitution. He agreed that it was contrary to the common understanding of that instrument, and to what was understood at the time by the makers of it; that yet it

would bear the construction which the bill put, and he observed that the vote for and against the bill was perfectly geographical, a northern against a southern vote, and he feared he should be thought to be taking side with a southern party. I admitted the motive of delicacy, but that it should not induce him to do wrong; urged the dangers to which the scramble for the fractionary members would always lead. He here expressed his fear that there would, ere long, be a separation of the Union; that the public mind seemed dissatisfied and tending to this. He went home, sent for Randolph, the Attorney General, desired him to get Mr. Madison immediately and come to me, and if we three concurred in opinion that he should negative the bill, he desired to hear nothing more about it, but that we would draw the instrument for him to sign. They came. Our minds had been before made up. We drew the instrument. Randolph carried it to him, and told him we all concurred in it. He walked with him to the door, and as if he still wished to get off, he said, "and you say you approve of this yourself." "Yes Sir," said Randolph, "I do upon my honor." He sent it to the House of Representatives instantly. A few of the hottest friends of the bill expressed passion, but the majority were satisfied, and both in and out of doors it gave pleasure to have, at length, an instance of the negative being exercised.

Written this the 9th of April.

July the 10th, 1792. My letter of —— to the President, directed to him at Mount Vernon, had not found him there, but came to him here. He told me of this, and that he would take an occasion of speaking with me on the subject. He did so this day. He began by observing that he had put it off from day to day, because the subject was painful, to wit, his remaining in office, which that letter solicited. He said that the declaration he had made when he quitted his military command, of never again entering into public life, was sincere. That, however, when he was called on to come forward to set the present government in motion, it appeared to him that circumstances were so changed as to justify a change in his resolution: he was made to believe that in two years all would be well in motion, and he might retire. At the end of two years he found some things still to be done. At the end of the third year, he thought it was not worth while to disturb the course of things, as in one year more his office would expire, and he was decided then to retire. Now he was told there would still be danger in it. Certainly, if he thought so, he would conquer his longing for retirement. But he feared it would be said his former professions of retirement had been mere affectation, and that he was like other men, when once in office he could not quit it. He was sensible, too, of a decay of his hearing, perhaps his other faculties might fall off and he not be sensible of it. That with respect to the existing

causes of uneasiness, he thought there were suspicions against a particular party, which had been carried a great deal too far; there might be *desires*, but he did not believe there were *designs* to change the form of government into a monarchy; that there might be a few who wished it in the higher walks of life, particularly in the great cities, but that the main body of the people in the eastern States were as steadily for republicanism as in the southern. That the pieces lately published, and particularly in Freneau's paper, seemed to have in view the exciting opposition to the Government. That this had taken place in Pennsylvania as to the excise law, according to information he had received from General Hand. That they tended to produce a separation of the Union, the most dreadful of all calamities, and that whatever tended to produce anarchy, tended, of course, to produce a resort to monarchical government.

He considered those papers as attacking him directly, for he must be a fool indeed to swallow the little sugar plums here and there thrown out to him. That in condemning the administration of the Government, they condemned him, for if they thought there were measures pursued contrary to his sentiments, they must conceive him too careless to attend to them, or too stupid to understand them. That though, indeed, he had signed many acts which he did not approve in all their parts, yet he had never put his name to one which he did not think, on the whole, was eligible. That as to

the bank, which had been an act of so much complaint, until there was some infallible criterion of reason, a difference of opinion must be tolerated. He did not believe the discontents extended far from the seat of Government. He had seen and spoken with many people in Maryland and Virginia in his late journey. He found the people contented and happy. He wished, however, to be better informed on this head. If the discontents were more extensive than he supposed, it might be that the desire that he should remain in the Government was not general.

My observations to him tended principally to enforce the topics of my letter. I will not, therefore, repeat them, except where they produced observations from him. I said that the two great complaints were, that the national debt was unnecessarily increased, and that it had furnished the means of corrupting both branches of the legislature; that he must know, and everybody knew, there was a considerable squadron in both, whose votes were devoted to the paper and stock-jobbing interest, that the names of a weighty number were known, and several others suspected on good grounds. That on examining the votes of these men, they would be found uniformly for every Treasury measure, and that as most of these measures had been carried by small majorities, they were carried by these very votes. That, therefore, it was a cause of just uneasiness, when we saw a legislature legislating for their

own interests, in opposition to those of the people. He said not a word on the corruption of the legislature, but took up the other point, defended the Assumption, and argued that it had not increased the debt, for that all of it was honest debt. He justified the excise law, as one of the best laws which could be passed, as nobody would pay the tax who did not choose to do it. With respect to the increase of the debt by the Assumption, I observed to him that what was meant and objected to was, that it increased the debt of the General Government, and carried it beyond the possibility of payment. That if the balances had been settled, and the debtor States directed to pay their deficiences to the creditor States, they would have done it easily, and by resources of taxation in their power, and acceptable to the people; by a direct tax in the south, and an excise in the north. Still, he said, it would be paid by the people. Finding him decided, I avoided entering into argument with him on those points.

Sept. the 30th, 1792. The constitution as agreed to till a fortnight before the Convention rose, was such a one as he would have set his hand and heart to. 1st. The President was to be elected for seven years. Then ineligible for seven years more. 2d. Rotation in the Senate. 3d. A vote of two-thirds in the legislature on particular subjects, and expressly on that of navigation. The three New England

States were constantly with us in all questions (Rhode Island not there, and New York seldom), so that it was these three States, with the five southern ones, against Pennsylvania, New Jersey, and Delaware.

With respect to the importation of slaves, it was left to Congress. This disturbed the two southernmost States, who knew that Congress would immediately suppress the importation of slaves. These two States, therefore, struck up a bargain with the three New England States. If they would join to admit slaves for some years, the southernmost States would join in changing the clause which required two-thirds of the legislature in any vote. It was done. These articles were changed accordingly, and from that moment the two southernmost States, and the three northern ones, joined Pennsylvania, New Jersey and Delaware, and made the majority eight to three against us, instead of eight to three for us, as it had been through the whole Convention. Under this coalition, the great principles of the constitution were changed in the last days of the Convention.

Anecdote. Yates, Lawsing and Hamilton represented New York. Yates and Lawsing never voted in one single instance with Hamilton, who was so much mortified at it that he went home. When the season for courts came on, Yates, a judge, and Lawsing, a lawyer, went to attend their courts. Then Hamilton returned.

Anecdote. The constitution as agreed at first was, that amendments might be proposed either by Congress or the legislatures. A committee was appointed to digest and redraw. Gouverneur Morris and King were of the committee. One morning Gouverneur Morris moved an instrument for certain alterations (not one-half the members yet come in). In a hurry and without understanding, it was agreed to. The committee reported so that Congress should have the exclusive power of proposing amendments. George Mason observed it on the report, and opposed it. King denied the construction. Mason demonstrated it, and asked the committee by what authority they had varied what had been agreed. Gouverneur Morris then imprudently got up, and said, by authority of the Convention, and produced the blind instruction before mentioned, which was unknown by one-half of the House, and not till then understood by the other. They then restored it, as it originally stood.

He said he considered Hamilton as having done us more injury than Great Britain and all her fleets and armies. That his (Mason's) plan of settling our debts would have been something in this way. He would have laid as much tax as could be paid without oppressing the people;—particularly he would have laid an impost of about the amount of the first, laid by Congress, but somewhat different in several of its articles. He would have suspended all application of it one year, during which an office should have

been open to register unalienated certificates. At the end of the year he would have appropriated his revenue. 1st. To pay the civil list. 2d. The interest of these certificates. 3d. Instalments of the principal. 4th. A surplus to buy up the alienated certificates, still avoiding to make any other provision for these last. By the time the unalienated certificates should have been all paid, he supposed half the alienated ones would have been bought up at market. He would then have proceeded to redeem the residue of them.

CONVERSATION WITH PRESIDENT WASHINGTON.

Bladensburg, October the 1st, 1792. This morning, at Mount Vernon, I had the following conversation with the President. He opened it by expressing his regret at the resolution in which I appeared so fixed, in the letter I had written him, of retiring from public affairs. He said, that he should be extremely sorry that I should do it, as long as he was in office, and that he could not see where he should find another character to fill my office. That, as yet, he was quite undecided whether to retire in March or not. His inclinations led him strongly to do it. Nobody disliked more the ceremonies of his office, and he had not the least taste or gratification in the execution of its functions. That he was happy at home alone, and that his presence there was now peculiarly called for by the situation of Major Washington, whom he thought irrecoverable, and should

he get well, he would remove into another part of the country, which might better agree with him. That he did not believe his presence necessary; that there were other characters who would do the business as well or better. Still, however, if his aid was thought necessary to save the cause to which he had devoted his life principally, he would make the sacrifice of a longer continuance. That he therefore reserved himself for future decision, as his declaration would be in time if made a month before the day of election. He had desired Mr. Lear to find out from conversation, without appearing to make the inquiry, whether any other person would be desired by any body. He had informed him, he judged from conversations that it was the universal desire he should continue, and he believed that those who expressed a doubt of his continuance, did it in the language of apprehension, and not of desire. But this, said he, is only from the north; it may be very different in the south. I thought this meant as an opening to me to say what was the sentiment in the south, from which quarter I came. I told him, that as far as I knew, there was but one voice there, which was for his continuance. That as to myself, I had ever preferred the pursuits of private life to those of public, which had nothing in them agreeable to me.

I explained to him the circumstances of the war which had first called me into public life, and those following the war, which had called me from a retirement on which I had determined. That I had con-

stantly kept my eye on my own home, and could no longer refrain from returning to it. As to himself, his presence was important; that he was the only man in the United States who possessed the confidence of the whole; that government was founded in opinion and confidence, and that the longer he remained, the stronger would become the habits of the people in submitting to the Government, and in thinking it a thing to be maintained; that there was no other person who would be thought anything more than the head of a party. He then expressed his concern at the difference which he found to subsist between the Secretary of the Treasury and myself, of which he said he had not been aware. He knew, indeed, that there was a marked difference in our political sentiments, but he had never suspected it had gone so far in producing a personal difference, and he wished he could be the mediator to put an end to it. That he thought it important to preserve the check of my opinions in the Administration, in order to keep things in their proper channel, and prevent them from going too far. That as to the idea of transforming this Government into a monarchy, he did not believe there were ten men in the United States whose opinions were worth attention, who entertained such a thought. I told him there were many more than he imagined. I recalled to his memory a dispute at his own table, a little before we left Philadelphia, between General Schuyler on one side and Pinckney and myself on the other, wherein

the former maintained the position, that hereditary descent was as likely to produce good magistrates as election. I told him, that though the people were sound, there were a numerous sect who had monarchy in contemplation; that the Secretary of the Treasury was one of these. That I had heard him say that this Constitution was a shilly shally thing, of mere milk and water, which could not last, and was only good as a step to something better. That when we reflected, that he had endeavored in the convention, to make an English constitution of it, and when failing in that, we saw all his measures tending to bring it to the same thing, it was natural for us to be jealous; and particularly, when we saw that these measures had established corruption in the legislature, where there was a squadron devoted to the nod of the Treasury, doing whatever he had directed, and ready to do what he should direct. That if the equilibrium of the three great bodies, legislative, executive and judiciary, could be preserved, if the legislature could be kept independent, I should never fear the result of such a government; but that I could not but be uneasy, when I saw that the executive had swallowed up the legislative branch.

He said, that as to that interested spirit in the legislature, it was what could not be avoided in any government, unless we were to exclude particular descriptions of men, such as the holders of the funds, from all office. I told him, there was great differ-

ence between the little accidental schemes of self-interest, which would take place in every body of men, and influence their votes, and a regular system for forming a corps of interested persons, who should be steadily at the orders of the Treasury. He touched on the merits of the funding system, observed there was a difference of opinion about it, some thinking it very bad, others very good; that experience was the only criterion of right which he knew, and this alone would decide which opinion was right. That for himself, he had seen our affairs desperate and our credit lost, and that this was in a sudden and extraordinary degree raised to the highest pitch. I told him, all that was ever necessary to establish our credit, was an efficient government and an honest one, declaring it would sacredly pay our debts, laying taxes for this purpose, and applying them to it. I avoided going further into the subject. He finished by another exhortation to me not to decide too positively on retirement, and here we were called to breakfast.

October the 31st, 1792. I had sent to the President, Viar and Jaudenes's letter of the 29th instant, whereupon he desired a consultation of Hamilton, Knox, E. Randolph, and myself, on these points: 1. What notice was to be taken hereof to Spain? 2. Whether it should make part of the communication to the legislature? I delivered my opinion, that it

ought to be communicated to both Houses, because the communications intended to be made, being to bring on the question, whether they would declare war against any, and which of the nations or parts of the nations of Indians to the south, it would be proper this information should be before them, that they might know how far such a declaration would lead them. There might be some who would be for war against the Indians, if it were to stop there, but who would not be for it, if it were to lead to a war against Spain. I thought it should be laid before both Houses, because it concerned the question of declaring war, which was the function equally of both Houses. I thought a simple acknowledgment of the receipt of the letter should be made by me to the Spanish Chargés, expressing that it contained some things very unexpected to us, but that we should refer the whole, as they had proposed, to the negotiators at Madrid. This would secure to us a continuation of the suspension of Indian hostilities, which the Governor of New Orleans said he had brought about till the result of the negotiation at Madrid should be known; would not commit us as to running or not running the line, or imply any admission of doubt about our territorial right; and would avoid a rupture with Spain, which was much to be desired, while we had similar points to discuss with Great Britain.

Hamilton declared himself the advocate for peace. War would derange our affairs greatly; throw us

back many years in the march toward prosperity; be difficult for us to pursue, our countrymen not being disposed to become soldiers; a part of the Union feeling no interest in the war, would with difficulty be brought to exert itself; and we had no navy. He was for everything which would procrastinate the event. A year, even, was a great gain to a nation strengthening as we were. It laid open to us, too, the chapter of accidents, which, in the present state of Europe, was a very pregnant one. That while, however, he was for delaying the event of war, he had no doubt it was to take place between us for the object in question; that jealousy and perseverance were remarkable features in the character of the Spanish government, with respect to their American possessions; that so far from receding as to their claims against us, they had been strengthening themselves in them. He had no doubt the present communication was by authority from the court.

Under this impression, he thought we should be looking forward to the day of rupture, and preparing for it. That if we were unequal to the contest ourselves, it behooved us to provide allies for our aid. That in this view, but two nations could be named, France and England. France was too intimately connected with Spain in other points, and of too great mutual value, ever to separate for us. Her affairs too, were such, that whatever issue they had, she could not be in a situation to

make a respectable mediation for us. England alone, then, remained. It would not be easy to affect it with her; however, he was for trying it, and for sounding them on the proposition of a defensive treaty of alliance. The inducements to such a treaty, on their part, might be, 1. The desire of breaking up our former connections, which we knew they had long wished. 2. A continuance of the *statu quo* in commerce for ten years, which he believed would be desirable to them. 3. An admission to some navigable part of the Mississippi, by some line drawn from the Lake of the Woods to such navigable part. He had not, he said, examined the map to see how such a line might be run, so as not to make too great a sacrifice. The navigation of the Mississippi being a joint possession, we might then take measures in concert for the joint security of it. He was, therefore, for immediately sounding them on this subject through our ministers at London; yet so as to keep ourselves unengaged as long as possible, in hopes a favorable issue with Spain might be otherwise effected. But he was for sounding immediately, and for not letting slip an opportunity of securing our object.

E. Randolph concurred, in general, with me. He objected that such an alliance could not be effected without pecuniary consideration probably, which we could not give. And what was to be their aid? If men, our citizens would see their armies get foothold in the United States, with great jealousy; it

would be difficult to protect them. Even the French, during the distress of the late war, excited some jealous sentiments.

Hamilton said, money was often, but not always demanded, and the aid he should propose to stipulate would be in ships. Knox *non dissentiente.*

The President said the remedy would be worse than the disease, and stated some of the disagreeable circumstances which would attend our making such overtures.

November, 1792. Hamilton called on me to speak about our furnishing supplies to the French colony of St. Domingo. He expressed his opinion, that we ought to be cautious, and not go too far in our application of money to their use, lest it should not be recognized by the mother country. He did not even think that some kinds of government they might establish could give a sufficient sanction.[1] I observed, that the National Convention

[1] There had been a previous consultation at the President's (about the first week in November) on the expediency of suspending payments to France, under her present situation. I had admitted that the late constitution was dissolved by the dethronement of the King; and the management of affairs surviving to the National Assembly only, this was not an integral Legislature, and therefore not competent to give a legitimate discharge for our payments: that I thought, consequently, that none should be made till some legitimate body came into place; and that I should consider the National Convention called, but not met as we had yet heard, to be a legitimate body. Hamilton doubted whether it would be a legitimate body, and whether, if the King should be re-established, he might not disallow such payments on

was now met, and would certainly establish a form of government; that as we had recognized the former government because established by authority of the *nation*, so we must recognize any other which should be established by the authority of the nation. He said we had recognized the former, because it contained an important member of the ancient, to wit: the King, and wore the appearance of his consent; but if, in any future form, they should omit the King, he did not know that we could with safety recognize it, or pay money to its order.

November the 19th, 1792. Beckley brings me the pamphlet written by Hamilton, before the war, in answer to Common Sense. It is entitled "Plain Truth." Melancthon Smith sends it to Beckley, and in his letter says, it was not printed in New York by Loudon, because prevented by a mob, and was printed in Philadelphia, and that he has these facts from Loudon.

November the 21st, 1792. Mr. Butler tells me, that he dined last winter with Mr. Campbell from Denmark, in company with Hamilton, Lawrence,

good grounds. Knox, for once, dared to differ from Hamilton, and to express, very submissively, an opinion, that a convention named by the whole body of the nation, would be competent to do anything. It ended by agreeing, that I should write to Gouverneur Morris to suspend payment generally, till further orders.

Dr. Shippen, T. Shippen, and one other person whom he cannot recollect. That after dinner political principles became the subject of conversation; that Hamilton declared openly, that "there was no stability, no security in any kind of government but a monarchy." That Lawrence took him up, and entered the lists of argument against him; that the dispute continued long, and grew warm, remarkably so as between them; that T. Shippen, at length, joined Lawrence in it; and in fine, that it broke up the company. Butler recommended to the company, that the dispute having probably gone farther than was intended, it ought to be considered as confined to the company.

December the 10th, 1792. Present: Alexander Hamilton, General Knox, Edmund Randolph, and Th: Jefferson, at the President's.

It was agreed to reject meeting the Indians at the proposed treaty, rather than to admit a *mediation* by Great Britain; but to admit the presence of Governor Simcoe, not as a *party* (if that was insisted on); and that I should make a verbal communication to Mr. Hammond, in substance, as on the back hereof, which I previously read to the President.

December the 12th. I made the communication to Mr. Hammond. He said the attendance of Governor Simcoe was a circumstance only men-

tioned by him, but not desired; that he would decline it without difficulty; declared it to be their most ardent wish that peace should take place, for their fur-trade was entirely interrupted; and he urged as decisive proof of the sincerity of their wish,—1st. That they had kept the late Indian council together six weeks at a very great expense, waiting for the Six Nations. 2d. That the Indians at that council were so perfectly satisfied of their desire that they should make peace, that they had not so much as mentioned in council the applying to the British for any supplies. I immediately communicated this to the President.

December the 13th, 1792. The President called on me to see the model and drawings of some mills for sawing stone. After showing them, he in the course of a subsequent conversation asked me if there were not some good manufactories of porcelain in Germany; that he was in want of table china, and had been speaking to Mr. Shaw, who was going to the East Indies to bring him a set, but he found that it would not come till *he should no longer be in a situation to want it*. He took occasion a second time to observe that Shaw said it would be two years at least, before he could have the china here, before which time he said he should be where he should not need it. I think he asked the question about the manufactories in Germany merely to

have an indirect opportunity of telling me he meant to retire, and within the limits of two years.

December the 17th. Hammond says the person is here to whom the Six Nations delivered the invitation for Simcoe to attend, who says they insisted on it, and would consider his non-attendance as an evidence that he does not wish for peace; but he says that Simcoe has not the least idea of attending; that this gentleman says we may procure in Upper Canada any quantity of provisions, which the people will salt up expressly during winter; and that he will return and carry our request whenever we are ready.

CONVERSATION WITH PRESIDENT WASHINGTON.

Thursday, December the 27th, 1792. I waited on the President on some current business. After this was over, he observed to me, that he thought it was time to endeavor to effect a stricter connection with France, and that Gouverneur Morris should be written to on this subject. He went into the circumstances of dissatisfaction between Spain and Great Britain, and us, and observed, there was no nation on whom we could rely, at all times, but France; and that, if we did not prepare in time some support, in the event of rupture with Spain and England, we might be charged with a criminal negligence. [I was much pleased with the tone of these observations. It was the very

doctrine which had been my polar star, and I did not need the successes of the republican arms in France, lately announced to us, to bring me to these sentiments. For it is to be noted, that on Saturday last (the 22d) I received Mr. Short's letters of October the 9th and 12th, with the Leyden gazettes to October the 13th, giving us the first news of the retreat of the Duke of Brunswick, and the capture of Spires and Worms by Custine, and that of Nice by Anselme.]

I therefore expressed to the President my cordial approbation of these ideas; told him I had meant on that day (as an opportunity of writing by the British packet would occur immediately) to take his orders for removing the suspension of payments to France, which had been imposed by my last letter to Gouverneur Morris, but was meant, as I supposed, only for the interval between the abolition of the late constitution by the dethronement of the King, and the meeting of some other body, invested by the will of the nation with powers to transact their affairs; that I considered the National Convention, then assembled, as such a body; and that, therefore, we ought to go on with the payments to them, or to any government they should establish; that, however, I had learned last night, that some clause in the bill for providing reimbursement of the loan made by the bank to the United States, had given rise to a question before the House of Representatives yesterday, which might affect these pay-

ments; a clause in that bill proposing, that the money formerly borrowed in Amsterdam, to pay the French debt, and appropriated by law, (1690, August 4th, c. 34, s. 2) to that purpose, lying dead as was suggested, should be taken to pay the bank, and the President be authorized to borrow two millions of dollars more, out of which it should be replaced; and if this should be done, the removal of our suspension of payments, as I had been about to propose, would be premature.

He expressed his disapprobation of the clause above mentioned; thought it highly improper in the Legislature to change an appropriation once made, and added, that no one could tell in what that would end. I concurred, but observed, that on a division of the House, the ayes for striking out the clause were twenty-seven, the noes twenty-six; whereon the Speaker gave his vote against striking out, which divides the House: the clause for the disappropriation remained of course. I mentioned suspicions, that the whole of this was a trick to serve the bank under a great existing embarrassment; that the debt to the bank was to be repaid by instalments; that the first instalment was of two hundred thousand dollars only, or rather one hundred and sixty thousand dollars, (because forty thousand of the two hundred thousand dollars would be the United States' own dividend of the instalment). Yet here were two millions to be paid them at once, and to be taken from a purpose

of gratitude and honor, to which it had been appropriated.

December the 30th, 1792. I took the occasion furnished by Pinckney's letter of September the 19th, asking instructions how to conduct himself as to the French revolution, to lay down the catholic principle of republicanism, to wit, that every people may establish what form of government they please, and change it as they please; the will of the nation being the only thing essential. I was induced to do this, in order to extract the President's opinion on the question which divided Hamilton and myself in the conversation of November, 1792, and the previous one of the first week of November, on the suspension of payments to France; and if favorable to mine, to place the principles of record in the letter books of my office. I therefore wrote the letter of December the 30th, to Pinckney, and sent it to the President, and he returned me his approbation in writing, in his note of the same date, which see.

CONVERSATION WITH PRESIDENT WASHINGTON.

February the 7th, 1793. I waited on the President with letters and papers from Lisbon. After going through these, I told him that I had for some time suspended speaking with him on the subject of my going out of office, because I had understood that the bill for intercourse with foreign nations

was likely to be rejected by the Senate, in which case, the remaining business of the Department would be too inconsiderable to make it worth while to keep it up. But that the bill being now passed, I was freed from the considerations of propriety which had embarrassed me. That &c. [nearly in the words of a letter to Mr. T. M. Randolph, of a few days ago,] and that I should be willing, if he had taken no arrangements to the contrary, to continue somewhat longer, how long I could not say, perhaps till summer, perhaps autumn. He said, so far from taking arrangements on the subject, he had never mentioned to any mortal the design of retiring which I had expressed to him, till yesterday, when having heard that I had given up my house, and that it was rented by another, he thereupon mentioned it to Mr. E. Randolph, and asked him, as he knew my retirement had been talked of, whether he had heard any persons suggested in conversation to succeed me. He expressed his satisfaction at my change of purpose, and his apprehensions that my retirement would be a new source of uneasiness to the public. He said Governor Lee had that day informed him of the general discontent prevailing in Virginia, of which he never had had any conception, much less sound information. That it appeared to him very alarming. He proceeded to express his earnest wish that Hamilton and myself could coalesce in the measures of the government, and urged here the general reasons for it

which he had done to me in two former conversations. He said he had proposed the same thing to Hamilton, who expressed his readiness, and he thought our coalition would secure the general acquiescence of the public.

I told him my concurrence was of much less importance than he seemed to imagine; that I kept myself aloof from all cabal and correspondence on the subject of the Government, and saw and spoke with as few as I could. That as to a coalition with Mr. Hamilton, if by that was meant that either was to sacrifice his general system to the other, it was impossible. We had both, no doubt, formed our conclusions after the most mature consideration; and principles conscientiously adopted, could not be given up on either side. My wish was, to see both Houses of Congress cleansed of all persons interested in the bank or public stocks; and that a pure legislature being given us, I should always be ready to acquiesce under their determinations, even if contrary to my own opinions; for that I subscribe to the principle, that the will of the majority, honestly expressed, should give law. I confirmed him in the fact of the great discontents to the south; that they were grounded on seeing that their judgments and interests were sacrificed to those of the eastern States on every occasion, and their belief that it was the effect of a corrupt squadron of voters in Congress, at the command of the Treasury; and they see that if the votes of those members who

had any interest distinct from, and contrary to the general interest of their constituents, had been withdrawn, as in decency and honesty they should have been, the laws would have been the reverse of what they are on all the great questions. I instanced the new Assumption carried in the House of Representatives by the Speaker's vote. On this subject he made no reply.

He explained his remaining in office to have been the effect of strong solicitations after he returned here; declaring that he had never mentioned his purpose of going out but to the Heads of Departments and Mr. Madison; he expressed the extreme wretchedness of his existence while in office, and went lengthily into the late attacks on him for levees, &c., and explained to me how he had been led into them by the persons he consulted at New York; and that if he could but know what the sense of the public was, he would most cheerfully conform to it.

February the 16th, 1793. E. Randolph tells J. Madison and myself, a curious fact which he had from Lear. When the President went to New York, he resisted for three weeks the efforts to introduce levees. At length he yielded, and left it to Humphreys and some others to settle the forms. Accordingly, an ante-chamber and presence room were provided, and when those who were to pay their court were assembled, the President set out,

preceded by Humphreys. After passing through the ante-chamber, the door of the inner room was thrown open, and Humphreys entered first, calling out with a loud voice, "the President of the United States." The President was so much disconcerted with it, that he did not recover from it the whole time of the levee, and when the company was gone, he said to Humphreys, "Well, you have taken me in once, but by God you shall never take me in a second time."

There is reason to believe that the rejection of the late additional Assumption by the Senate, was effected by the President through Lear, operating on Langdon. Beckley knows this.

February the 20th, 1793. Colonel W. S. Smith called on me to communicate intelligence from France. He had left Paris November the 9th. He said the French ministers are entirely broken with Gouverneur Morris; shut their doors to him, and will never receive another communication from him. They wished Smith to be the bearer of a message from the President, to this effect, but he declined; and they said in that case they would press it through their own Minister here. He said they are sending Genet here with full powers to give us all the privileges we can desire in their countries, and particularly in the West Indies; that they even contemplate to set them free the next summer;

that they propose to emancipate South America, and will send forty-five ships of the line there next spring, and Miranda at the head of the expedition; that they desire our debt to be paid them in provisions, and have authorized him to negotiate this. In confirmation of this, he delivers a letter to the President from Le Brun, Minister for Foreign Affairs, in which Le Brun says that Colonel Smith will communicate plans worthy of his (the President's) great mind, and he shall be happy to receive his opinion as to the means the most suitable to effect it.

I had, five or six days ago, received from Ternant, extracts from the lives of his Ministers, complaining of both Gouverneur Morris and Mr. Short. I sent them this day to the President with an extract from a private letter of Mr. Short, justifying himself, and I called this evening on the President. He said he considered the extracts from Ternant very serious—in short, as decisive; that he saw that Gouverneur Morris could be no longer continued there consistent with the public good; that the moment was critical in our favor, and ought not to be lost; that he was extremely at a loss what arrangement to make. I asked him whether Gouverneur Morris and Pinckney might not change places. He said that would be a sort of remedy, but not a radical one. That if the French Ministry conceived Gouverneur Morris to be hostile to them; if they would be jealous merely on his proposing to visit London, they would never be satisfied with us at

placing him at London permanently. He then observed, that though I had unfixed the day on which I had intended to resign, yet I appeared fixed in doing it at no great distance of time; that in this case, he could not but wish that I would go to Paris; that the moment was important: I possessed the confidence of both sides, and might do great good; that he wished I could do it, were it only to stay there a year or two. I told him that my mind was so bent on retirement that I could not think of launching forth again in a new business; that I could never again cross the Atlantic; and that as to the opportunity of doing good, this was likely to be the scene of action, as Genet was bringing powers to do the business here; but that I could not think of going abroad. He replied that I had pressed him to continue in the public service, and refused to do the same myself. I said the case was very different; he united the confidence of all America, and was the only person who did so: his services therefore were of the last importance; but for myself, my going out would not be noted or known. A thousand others could supply my place to equal advantage, therefore I felt myself free; and that as to the mission to France, I thought perfectly proper. He desired me then to consider maturely what arrangement should be made.

Smith, in speaking of Morris, said, that at his own table, in presence of his company and servants, he cursed the French Ministers, as a set of damned

rascals; said the King would still be replaced upon his throne. He said he knew they had written to have him recalled, and expected to be recalled. He consulted Smith to know whether he would bring his furniture here duty free. Smith has mentioned the situation of Gouverneur Morris freely to others here. Smith said also that the Ministers told him they meant to begin their attack at the mouth of the Mississippi, and to sweep along the Bay of Mexico southwardly, and that they would have no objection to our incorporating into our Government the two Floridas.

February the 25th, 1793. The President desires the opinions of the Heads of the three Departments, and of the Attorney General, on the following question, to wit: Mr. Ternant having applied for money equivalent to three millions of livres, to be furnished on account of our debt to France at the request of the Executive of that country, which sum is to be laid out in provisions within the United States, to be sent to France. Shall the money be furnished?

The Secretary of the Treasury stated it as his opinion, that making a liberal allowance for the depreciation of assignats, (no rule of liquidation having been yet fixed,) a sum of about three hundred and eighteen thousand dollars may not exceed the arrearages equitably due to France to the end of 1792, and that the whole sum asked for may be furnished within periods capable of answering the

purpose of Mr. Ternant's application, without a derangement of the Treasury.

Whereupon the Secretaries of State and War, and the Attorney General, are of opinion that the whole sum asked for by Mr. Ternant ought to be furnished: the Secretary of the Treasury is of opinion that the supply ought not exceed the above-mentioned sum of three hundred and eighteen thousand dollars.

The President having required the attendance of the Heads of the three Departments, and of the Attorney General, at his house, on Monday the 25th of February, 1793, the following questions were proposed, and answers given:

1. The Governor of Canada having refused to let us obtain provisions from that province, or to pass them along the water communication to the place of treaty with the Indians; and the Indians having refused to let them pass peaceably along what they call the bloody path, the Governor of Canada at the same time proposing to furnish the whole provisions necessary, ought the treaty to proceed? Answer unanimously, it ought to proceed.

2. Have the Executive, or the Executive and Senate together, authority to relinquish to the Indians the right of soil of any part of the land north of the Ohio, which has been validly obtained by former treaties?

The Secretary of the Treasury, the Secretary of War, and Attorney General, are of opinion that the Executive and Senate have such authority, provided

that no grants to individuals, nor reservations to States, be thereby infringed. The Secretary of State is of opinion they have no such authority to relinquish.

3. Will it be expedient to make any such relinquishments to the Indians, if essential to peace?

The Secretaries of the Treasury and War, and the Attorney General, are of opinion it will be expedient to make such relinquishments if essential to peace, provided it do not include any lands sold or received for special purposes (the reservations for trading places excepted). The Secretary of State is of opinion that the Executive and Senate have authority to stipulate with the Indians, and that if essential to peace, it will be expedient to stipulate that we will not settle any lands between those already sold, or reserved for special purposes, and the lines heretofore validly established with the Indians.

Whether the Senate shall be previously consulted on this point. The opinion unanimously is, that it will be better not to consult them previously.

February the 26th, 1793. Notes on the proceedings of yesterday. [See the formal opinions given to the President in writing, and signed.]

First question. We are all of opinion that the treaty should proceed merely to gratify the public opinion, and not from an expectation of success. I expressed myself strongly, that the event was so

unpromising, that I thought the preparations for a campaign should go on without the least relaxation, and that a day should be fixed with the commissioners for the treaty, beyond which they should not permit the treaty to be protracted, by which day orders should be given for our forces to enter into action. The President took up the thing instantly, after I had said this, and declared that he was so much of the opinion that the treaty would end in nothing, that he then, in the presence of us all, gave orders to General Knox, not to slacken the preparations for the campaign in the least, but to exert every nerve in preparing for it. Knox said something about the ultimate day for continuing the negotiations. I acknowledged myself not a judge on what day the campaign should begin, but that whatever it was, that day should terminate the treaty. Knox said he thought a winter campaign was always the most efficacious against the Indians. I was of opinion, since Great Britain insisted on furnishing provisions, that we should offer to repay. Hamilton thought we should not.

Second question. I considered our right of preemption of the Indian lands, not as amounting to any dominion, or jurisdiction, or paramountship whatever, but merely in the nature of a remainder after the extinguishment of a present right, which gave us no present right whatever, but of preventing other nations from taking possession, and so defeating our expectancy; that the Indians had the full,

undivided and independent sovereignty as long as they choose to keep it, and that this might be forever; that as fast as we extend our rights by purchase from them, so fast we extend the limits of our society, and as soon as a new portion became encircled within our line, it became a fixed limit of our society; that the Executive, with either or both branches of the legislature, could not alien any part of our territory; that by the law of nations it was settled, that the unity and indivisibility of the society was so fundamental, that it could not be dismembered by the constituted authorities, except, 1, where *all power* was delegated to them (as in the case of despotic governments), or, 2, where it was expressly delegated; that neither of these delegations had been made to our general Government, and therefore, that it had no right to dismember or alienate any portion of territory once ultimately consolidated with us; and that we could no more cede to the Indians than to the English or Spaniards, as it might, according to acknowledged principles, remain as irrevocably and eternally with the one as the other. But I thought, that as we had a right to sell and settle lands once comprehended within our lines, so we might forbear to exercise that right, retaining the property till circumstances should be more favorable to the settlement, and this I agreed to do in the present instance, if necessary for peace.

Hamilton agreed to the doctrine of the law of nations, as laid down in Europe, but that it was

founded on the universality of settlement there; consequently, that no lopping off of territory could be made without a lopping off of citizens, which required their consent; but that the law of nations for us must be adapted to the circumstance of our unsettled country, which he conceived the President and Senate may cede; that the power of treaty was given to them by the Constitution, without restraining it to particular objects; consequently, that it was given in as plenipotentiary a form as held by any sovereign in any other society. Randolph was of opinion there was a difference between a cession to Indians and to any others, because it only restored the ceded part to the condition in which it was before we bought it, and consequently, that we might buy it again hereafter; therefore, he thought the Executive and Senate could cede it. Knox joined in the main opinion. The President discovered no opinion, but he made some efforts to get us to join in some terms which could unite us all, and he seemed to direct those efforts more towards me; but the thing could not be done.

Third question. We agreed in idea as to the line to be drawn, to wit, so as to retain all lands appropriated, or granted, or reserved.

Fourth question. We all thought if the Senate should be consulted, and consequently apprized of our line, it would become known to Hammond, and we should lose all chance of saving anything more at the treaty than our ultimatum.

The President, at this meeting, mentioned the declaration of some person, in a paper of Fenno, that he would commence an attack on the character of Dr. Franklin. He said the theme was to him excessively disagreeable on other considerations, but most particularly so, as the party seemed to do it as a means of defending him (the President) against the late attacks on him; that such a mode of defence would be peculiarly painful to him, and he wished it could be stopped. Hamilton and Randolph undertook to speak to Fenno to suppress it, without mentioning it as the President's wish. Both observed that they had heard this declaration mentioned in many companies, and that it had excited universal horror and detestation.

The paper in Fenno must lie between two persons, viz., Adams and Izard, because they are the only persons who could know such facts as are there promised to be unfolded. Adams is an enemy to both characters, and might choose this ground as an effectual position to injure both. Izard hated Franklin with unparalleled bitterness, but humbly adores the President, because he is in *loco regis*. If the paper proceeds, we shall easily discover which of these two gentlemen is the champion. In the meantime, the first paper leads our suspicions more towards Izard than Adams, from the circumstance of style, and because he is quite booby enough not to see the injury he would do to the President by such a mode of defence.

February the 28th. Knox, E. Randolph and myself met at Knox's, where Hamilton was also to have met, to consider the time, manner and place of the President's swearing in. Hamilton had been there before, and had left his opinion with Knox, to wit, that the President should ask a judge to attend him in his own house to administer the oath, in the presence of the Heads of Departments, which oath should be deposited in the Secretary of State's office. I concurred in this opinion. Randolph was for the President's going to the Senate's chamber to take the oath, attended by the Marshal of the United States, who should then make proclamation, &c. Knox was for this, and for adding the House of Representatives to the presence, as they would not yet be departed. Our individual opinions were written, to be communicated to the President, out of which he might form one. In the course of our conversation, Knox, stickling for parade, got into great warmth, and swore that our Government must either be entirely new modeled, or it would be knocked to pieces in less than ten years; and that as it is at present, he would not give a copper for it; that it is the President's character, and not the written constitution, which keeps it together.

Same day. Conversation with Lear. He expressed the strongest confidence that republicanism was the universal creed of America, except of a very few; that a republican administration must of necessity immediately overbear the contrary faction;

said that he had seen with extreme regret that a number of gentlemen had for a long time been endeavoring to instil into the President, that the noise against the administration of the Government was that of a little faction, which would soon be silent, and which was detested by the people, who were contented and prosperous; that this very party, however, began to see their error, and that the sense of America was bursting forth to their conviction.

March the 2d, 1793. See in the papers of this date, Mr. Giles's resolutions. He and one or two others were sanguine enough to believe that the palpableness of these resolutions rendered it impossible the House could reject them. Those who knew the composition of the House, 1, of bank directors; 2, holders of bank stock; 3, stock jobbers; 4, blind devotees; 5, ignorant persons who did not comprehend them; 6, lazy and good-humored persons, who comprehended and acknowledged them, yet were too lazy to examine, or unwilling to pronounce censure; the persons who knew these characters, foresaw that the three first descriptions making one-third of the House, the three latter would make one-half of the residue; and, of course, that they would be rejected by a majority of two to one. But they thought that even this rejection would do good, by showing the public the desperate and abandoned dispositions with which their affairs were conducted. The reso-

lutions were proposed, and nothing spared to present them in the fulness of demonstration. There were not more than three or four who voted otherwise than had been expected.

March the 30th, 1793. At our meeting at the President's, February the 25th, in discussing the question, whether we should furnish to France the three millions of livres desired, Hamilton, in speaking on the subject, used this expression, "When Mr. Genet arrives, whether we shall receive him or not, will then be a question for discussion," which expression I did not recollect till E. Randolph reminded me of it a few days after. Therefore, on the 20th instant, as the President was shortly to set out for Mount Vernon, I observed to him, that as Genet might arrive in his absence, I wished to know beforehand how I should treat him, whether as a person who would or would not be received? He said he could see no ground of doubt but that he ought to be received. On the 24th he asked E. Randolph's opinion on the subject, saying he had consulted Colonel Hamilton thereon, who went into lengthy considerations of doubt and difficulty, and viewing it as a very unfortunate thing that the President should have the decision of so critical a point forced on him; but, in conclusion, said, since he was brought into that situation, he did not see but that he must receive Mr. Genet. Randolph told the President

he was clear he should be received, and the President said he had never had any doubt on the subject in his mind. Afterwards, on the same day, he spoke to me again on it, and said Mr. Genet should unquestionably be received; but he thought not with too much warmth or cordiality, so only as to be satisfactory to him. I wondered at first at this restriction; but when Randolph afterwards communicated to me his conversation of the 24th, I became satisfied it was a small sacrifice to the opinion of Hamilton.

March the 31st. Mr. Beckley tells me, that the merchants' bonds for duties on six months' credit became due the 1st instant to a very great amount, that Hamilton went to the bank on that day, and directed the bank to discount for those merchants all their bonds at thirty days, and that he would have the collectors credited for the money at the Treasury. Hence, the Treasury lumping its receipts by the month in its printed accounts, these sums will be considered by the public as only received on the last day; consequently, the bank makes the month's interest out of it. Beckley had this from a merchant who had a bond discounted, and supposes a million of dollars were discounted at the bank here. Mr. Brown got the same information from another merchant, who supposed only six hundred thousand dollars discounted here. But they suppose the same orders went to all the branch banks to a great amount.

Eodem die. Mr. Brown tells me he has it from a merchant, that during the last winter the directors of the bank ordered the freest discounts. Every man could obtain it. Money being so flush, the six per cents run up to twenty-one and twenty-two shillings. Then the directors sold out their private stocks. When the discounted notes were becoming due, they stopped discounts, and not a dollar was to be had. This reduced six per cents to eighteen shillings and three pence; then the same directors bought in again.

April the 7th, 1793. Mr. Lear called on me, and introduced of himself a conversation on the affairs of the United States. He laughed at the cry of prosperity, and the deriving it from the establishment of the Treasury: he said, that so far from giving into this opinion, and that we were paying off our national debt, he was clear the debt was growing on us; that he had lately expressed this opinion to the President, who appeared much astonished at it. I told him I had given the same hint to the President last summer, and lately again had suggested, that we were even depending for the daily subsistence of Government on borrowed money. He said, that was certain, and was the only way of accounting for what was become of the money drawn over from Holland to this country. He regretted that the President was not in the way of hearing full information,

declared he communicated to him everything he could learn himself; that the men who vaunted the present Government so much on some occasions, were the very men who at other times declared it was a poor thing, and such a one as could not stand, and he was sensible they only esteemed it as a stepping stone to something else, and had availed themselves of the first moments of the enthusiasm in favor of it, to pervert its principles and make of it what they wanted; and that though they raised the cry of anti-federalism against those who censured the mode of administration, yet he was satisfied, whenever it should come to be tried, that the very men whom they called anti-federalists, were the men who would save the Government, and he looked to the next Congress for much rectification.

April the 18th. The President sends a set of questions to be considered, and calls a meeting. Though those sent me were in his own hand writing, yet it was palpable from the style, their ingenious tissue and suite, that they were not the President's, that they were raised upon a prepared chain of argument, in short, that the language was Hamilton's, and the doubts his alone. They led to a declaration of the Executive, that our treaty with France is void. E. Randolph, the next day, told me that the day before the date of these questions, Hamilton went with him through the whole chain of

reasoning of which these questions are the skeleton, and that he recognized them the moment he saw them.

We met. The first question, whether we should receive the French minister, Genet, was proposed, and we agreed unanimously that he should be received; Hamilton, at the same time, expressing his great regret that any incident had happened, which should oblige us to recognize the government. The next question was, whether he should be received absolutely, or with qualifications. Here Hamilton took up the whole subject, and went through it in the order in which the questions sketch it. See the chain of his reasoning in my opinions of April the 28th. Knox subscribed at once to Hamilton's opinion that we ought to declare the treaty void, acknowledging, at the same time, like a fool as he is, that he knew nothing about it. I was clear it remained valid. Randolph declared himself of the same opinion, but on Hamilton's undertaking to present to him the authority in Vattel (which we had not present) and to prove to him, that if the authority was admitted, the treaty might be declared void, Randolph agreed to take further time to consider. It was adjourned. We determined, unanimously, the last question, that Congress should not be called. There having been an intimation by Randolph, that in so great a question he should choose to give a written opinion, and this being approved by the President, I gave in mine April

the 28th. Hamilton gave in his. I believe Knox's was never thought worth offering or asking for. Randolph gave his May the 6th, concurring with mine. The President told me, the same day, he had never had a doubt about the validity of the treaty; but that since a question had been suggested, he thought it ought to be considered; that this being done, I might now issue passports to sea vessels in the form prescribed by the French treaty. I had for a week past only issued the Dutch form; to have issued the French, would have been presupposing the treaty to be in existence. The President suggested, that he thought it would be as well that nothing should be said of such a question having been under consideration.

Written May the 6th.

May the 6th, 1793. When the question was, whether the proclamation of April the 22d should be issued, Randolph observed, that there should be a letter written by me to the Ministers of the belligerent powers, to declare that it should not be taken as conclusive evidence against our citizens in foreign courts of admiralty, for contraband goods. Knox suddenly adopted the opinion, before Hamilton delivered his. Hamilton opposed it pretty strongly. I thought it an indifferent thing, but rather approved Randolph's opinion. The President was against it; but observed that *as there were three*

for it, it should go. This was the first instance I had seen of an opportunity to decide by a mere majority, including his own vote.

May the 12th. Lear called on me to-day. Speaking of the lowness of stocks, (sixteen shillings,) I observed it was a pity we had not money to buy on public account. He said, yes, and that it was the more provoking, as two millions had been borrowed for that purpose, and drawn over here, and yet were not here. That he had no doubt those would take notice of the circumstance whose duty it was to do so. I suppose he must mean the President.

May the 23d. I had sent to the President yesterday, draughts of a letter from him to the Provisory Executive Council of France, and of one from myself to Mr. Ternant, both on the occasion of his recall. I called on him to-day. He said there was an expression in one of them, which he had never before seen in any of our public communications, to wit, "our republic." The letter prepared for him to the Council, began thus: "The Citizen Ternant has delivered to me the letter wherein you inform me, that yielding, &c., you had determined to recall him from his mission, as your Minister Plenipotentiary to *our republic*." He had underscored the words, *our republic*. He said that certainly ours was a republican government, but yet we had not used

that style in this way; that if any body wanted to change its form into a monarchy, he was sure it was only a few individuals, and that no man in the United States would set his face against it more than himself; but that this was not what he was afraid of; his fears were from another quarter; that there was more danger of anarchy being introduced. He adverted to a piece in Freneau's paper of yesterday; he said he despised all their attacks on him personally, but that there never had been an act of the Government, not meaning in the executive line only, but in any line, which that paper had not abused. He had also marked the word republic thus √, where it was applied to the French republic. (See the original paper.) He was evidently sore and warm, and I took his intention to be, that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. But I will not do it. His paper has saved our Constitution, which was galloping fast into monarchy, and has been checked by no one means so powerfully as by that paper. It is well and universally known, that it has been that paper which has checked the career of the monocrats; and the President, not sensible of the designs of the party, has not with his usual good sense and *sang froid*, looked on the efforts and effects of this free press, and seen that, though some bad things have passed through it to the public, yet the good have preponderated immensely.

June the 7th, 1793. Mr. Beckley, who has returned from New York within a few days, tells me that while he was there, Sir John Temple, Consul General of the northern States for Great Britain, showed him a letter from Sir Gregory Page Turner, a member of Parliament for a borough in Yorkshire, who, he said, had been a member for twenty-five years, and always confidential for the Ministers, in which he permitted him to read particular passages of the following purport: "that the Government was well apprized of the predominancy of the British interest in the United States; that they considered Colonel Hamilton, Mr. King, and Mr. W. Smith of South Carolina, as the main supports of that interest; that particularly, they considered Colonel Hamilton, and not Mr. Hammond, as their effective Minister here; that if the anti-federal interest (that was his term), at the head of which they considered Mr. Jefferson to be, should prevail, these gentlemen *had secured* an asylum to themselves in England." Beckley could not understand whether they had secured it *themselves*,[1] or whether they were only notified that it was secured to them. So that they understand that they may go on boldly in their machinations to change the Government, and if they should be overset and choose to withdraw, they will be secure of a pension in England, as Arnold, Deane, &c., had. Sir John read passages of a letter (which

[1 In the margin is written, by Mr. Jefferson, "Impossible as to Hamilton; he was far above that."]

he did not put into Beckley's hand, as he did the other) from Lord Grenville, saying nearly the same things. This letter mentions to Sir John, that though they had divided the Consul Generalship, and given the southern department to Bond, yet he, Sir John, was to retain his whole salary. [By this it would seem, as if, wanting to use Bond, they had covered his employment with this cloak.] Mr. Beckley says that Sir John Temple is a strong republican. I had a proof of his intimacy with Sir John in this circumstance. Sir John received his new commission of Consul for the northern department, and instead of sending it through Mr. Hammond, got Beckley to enclose it to me for his exequatur. I wrote to Sir John that it must come through Mr. Hammond, enclosing it back to him. He accordingly then sent it to Mr. Hammond.

In conversation with the President to-day, and speaking about General Greene, he said that he and General Greene had always differed in opinion about the manner of using militia. Greene always placed them in his front: himself was of opinion, they should always be used as a reserve to improve any advantage, for which purpose they were the *finest fellows* in the world. He said he was on the ground of the battle of Guilford, with a person who was in the action, and who explained the whole of it to him. That General Greene's front was behind a fence at the edge of a large field, through which the enemy were obliged to pass to get at them; and that in

their pas sge through this, they must have been torn all to pieces, if troops had been posted there who would have stood their ground; and that the retreat from that position was through a thicket, perfectly secure. Instead of this, he posted the North Carolina militia there, who only gave one fire and fell back, so that the whole benefit of their position was lost. He thinks that the regulars, with their field pieces, would have hardly let a single man get through that field.

Eodem die (June the 7th). Beckley tells me that he has the following fact from Governor Clinton. That before the proposition for the present General Government, *i. e.* a little before Hamilton conceived a plan for establishing a monarchial government in the United States, he wrote a draught of a circular letter, which was to be sent to about ——— persons, to bring it about. One of these letters, in Hamilton's handwriting, is now in possession of an old militia General up the North River, who, at that time, was thought *orthodox* enough to be entrusted in the execution. This General has given notice to Governor Clinton that he has this paper, and that he will deliver it into his hands, and no one's else. Clinton intends, the first interval of leisure, to go for it, and he will bring it to Philadelphia. Beckley is a man of perfect truth as to what he affirms of his own knowledge, but too credulous as to what he hears from others.

June the 10th, 1793. Mr. Brown gives me the following specimen of the phrenzy which prevailed at New York on the opening of the new Government. The first public ball which took place after the President's arrival there, Colonel Humphreys, Colonel W. S. Smith and Mrs. Knox were to arrange the ceremonials. These arrangements were as follows: a sofa at the head of the room, raised on several steps, whereon the President and Mrs. Washington were to be seated. The gentlemen were to dance in swords. Each one, when going to dance, was to lead his partner to the foot of the sofa, make a low obeisance to the President and his lady, then go and dance, and when done, bring his partner again to the foot of the sofa for new obeisances, and then to retire to their chairs. It was to be understood, too, that gentlemen should be dressed in bags. Mrs. Knox contrived to come with the President, and to follow him and Mrs. Washington to their destination, and she had the design of forcing an invitation from the President to a seat on the sofa. She mounted up the steps after them unbidden, but unfortunately the wicked sofa was so short, that when the President and Mrs. Washington were seated, there was not room for a third person; she was obliged, therefore, to descend in the face of the company, and to sit where she could. In other respects the ceremony was conducted rigorously according to the arrangements, and the President made to pass an evening which his good sense rendered a very miserable one to him.

June the 12th. Beckley tells me that Klingham has been with him to-day, and relates to him the following fact: A certificate of the old Congress had been offered at the Treasury and refused payment, and so indorsed in red ink as usual. This certificate came to the hands of Francis, (the quondam clerk of the Treasury, who, on account of his being dipped in the infamous case of the Baron Glaubec, Hamilton had been obliged to dismiss, to save appearances, but with an assurance of all future service, and he accordingly got him established in New York). Francis wrote to Hamilton that such a ticket was offered him, but he could not buy it unless he would inform him and give him his certificate that it was good. Hamilton wrote him a most friendly letter, and sent him the certificate. He bought the paper, and came on here and got it recognized, whereby he made twenty-five hundred dollars. Klingham saw both the letter and certificate.

Irving, a clerk in the Treasury, an Irishman, is the author of the pieces now coming out under the signature of Veritas, and attacking the President. I have long suspected this detestable game was playing by the fiscal party, to place the President on their side.

CABINET MEETINGS.

June the 17th, 1793. At a meeting of the Heads of Department at the President's this day, on summons from him, a letter from Mr. Genet of the 15th

inst. (addressed to the Secretary of State on the subject of the seizure of a vessel by the Governor of New York, as having been armed, equipped and manned in that port, with a design to cruise on the enemies of France), was read, as also the draught of an answer prepared by the Secretary of State, which was approved.

Read, also, a letter of June 14th from Mr. Hammond to the Secretary of State, desiring to know whether the French privateers, the Citizen Genet, and Sans Culottes, are to be allowed to return or send their prizes into the ports of the United States. It is the opinion that he be informed that they were required to depart to the dominions of their own sovereign, and nothing expressed as to their ulterior proceedings; and that in answer to that part which states that the Sans Culottes had increased its force in the port of Baltimore, and remained there in the avowed intention of watching the motions of a valuable ship now lying there, it be answered that we expect the speedy departure of those privateers will obviate the inconveniences apprehended, and that it will be considered whether any practical arrangements can be adopted to prevent the augmentations of the force of armed vessels.

Thomas Jefferson.
Alexander Hamilton.
Henry Knox.

June the 20th, 1793. At a meeting this day of the Heads of Department at the President's, on summons from him, a letter from Messrs. Viar and Jaudines, dated June 18th, and addressed to the Secretary of State, was read; whereupon it is the opinion that a full detail of the proceedings of the United States with respect to the southern Indians and the Spaniards be prepared, and a justification as to the particular matters charged in the said letter; that this be sent, with all the necessary documents, to our Commissioners at the court of Madrid, leaving to them a discretion to change expressions in it which to them may appear likely to give offence in the circumstances under which they may be at the time of receiving it; and that a copy be sent to Mr. Pinckney for his information, and to make such use of the matter it contains as to him should seem expedient; that an answer be written to Messrs. Viar and Jaudines informing them that we shall convey our sentiments on the subject to their court through our commissioners at Madrid, and letting them see that we are not insensible to the style and manner of their communications.

A draught of a letter from the Secretary of State to Mr. Hammond, asking when an answer to his letter of May 29th, 1792, might be expected, was read and approved.

Thomas Jefferson.
Alexander Hamilton.
Henry Knox.

July the 5th, 1793. A meeting desired by Alexander Hamilton at my office. Himself, Knox, and myself met accordingly. He said that according to what had been agreed on in presence of the President, in consequence of Mr. Genet's declining to pay the $45,000 at his command in the treasury, to the holders of the St. Domingo bills, we had agreed to pay the holders out of other moneys to that amount; that he found, however, that these bills would amount to $90,000, and the question was whether he should assume $90,000 to be paid out of the September instalment. This, he said, would enable holders to get discounts at the banks, would therefore be equal to ready money, and save them from bankruptcy. Unanimously agreed to. We also agreed to a letter written by General Knox to Governor Mifflin, to have a particular inquiry made whether the Little Sarah is arming, &c., or not. I read also Governor Lee's letter about the Governor of South Carolina's proclamation respecting pestilential disease in West Indies. We are all of opinion the evidence is too slight for interference, and doubt the power to interfere. Therefore let it lie.

Mr. Genet called on me, and read to me very rapidly instructions he had prepared for Michaud, who is going to Kentucky; an address to the inhabitants of Louisiana, and another to those of Canada. In these papers it appears that, besides encouraging those inhabitants to insurrection, he speaks of two generals in Kentucky who have proposed to him

to go and take New Orleans, if he will furnish the expense, about £3,000 sterling. He declines advancing it, but promises that sum ultimately for their expenses; proposes that officers shall be commissioned by himself in Kentucky and Louisiana; that they shall rendezvous *out of the territories of the United States*, suppose in Louisiana, and there making up a battalion to be called the —— ——— of inhabitants of Louisiana and Kentucky, and getting what Indians they could, to undertake the expedition against New Orleans, and then Louisiana to be established into an independent State, connected in commerce with France and the United States; that two frigates shall go into the river Mississippi, and co-operate against New Orleans. The address to Canada was to encourage them to shake off English yoke, to call Indians to their assistance, and to assure them of the friendly dispositions of their neighbors of the United States.

He said he communicated these things to me, not as Secretary of State, but as Mr. Jefferson. I told him that his enticing officers and soldiers from Kentucky to go against Spain, was really putting a halter about their necks; for that they would assuredly be hung if they commenced hostilities against a nation at peace with the United States. That leaving out that article I did not care what insurrections should be excited in Louisiana. He had about a fortnight ago sent me a communication for Michaud as consul of France at Kentucky, and desired an Exequatur.

I told him this could not be given, that it was only in the *ports* of the United States they were entitled to consuls, and that if France should have a consul at Kentucky, England and Spain would soon demand the same, and we should have all our interior country filled with foreign agents. He acquiesced, and asked me to return the commission and his note, which I did; but he desired I would give Michaud a letter of introduction for Governor Shelby. I sent him one a day or two after. He now observes to me that in that letter I speak of him only as a person of botanical and natural pursuits, but that he wished the Governor to view him as something more; as a French citizen possessing his confidence. I took back the letter and wrote another.

MEMORANDUM OF A MEETING AT THE STATE HOUSE, PHILADELPHIA, RELATIVE TO THE CASE OF THE LITTLE SARAH.

July the 8th, 1793. At a meeting at the State House of the City of Philadelphia,

Present: the Secretary of State, the Secretary of the Treasury, the Secretary of War.

It appears that a brigantine, called the Little Sarah, has been fitted out at the port of Philadelphia, with fourteen cannon and all other equipment, indicating that she is intended to cruise under the authority of France, and that she is now lying in the river Delaware, at some place between this city

and Mud Island; that a conversation has been had between the Secretary of State and the Minister Plenipotentiary of France, in which conversation the Minister refused to give any explicit assurance that the brigantine would continue until the arrival of the President, and his decision in the case, but made declarations respecting her not being ready to sail within the time of the expected return of the President, from which the Secretary of State infers with confidence, that she will not sail till the President will have an opportunity of considering and determining the case; that in the course of the conversation, the Minister declared that the additional guns which had been taken in by the Little Sarah were French property, but the Governor of Pennsylvania declared that he has good ground to believe that two of her cannon were purchased here of citizens of Philadelphia.

The Governor of Pennsylvania asks advice what steps, under the circumstances, he shall pursue?

The Secretary of the Treasury and the Secretary of War are of opinion, that it is expedient that immediate measures should be taken provisionally for establishing a battery on Mud Island, under cover of a party of militia, with direction that if the brig Sarah should attempt to depart before the pleasure of the President shall be known concerning her, military coercion be employed to arrest and prevent her progress.

The Secretary of State dissents from this opinion.

REASONS FOR SECRETARY OF STATE'S DISSENT.

I am against the preceding opinion of the Secretaries of the Treasury and War, for ordering a battery to be erected on Mud Island, and firing on the Little Sarah, an armed vessel of the Republic of France:

Because I am satisfied, from what passed between Mr. Genet and myself at our personal interview yesterday, that the vessel will not be ordered to sail till the return of the President, which, by a letter of this day's post, we may certainly expect within eight and forty hours from this time.

Because the erecting a battery and mounting guns to prevent her passage might cause a departure not now intended, and produce the fact it is meant to prevent.

Because were such battery and guns now in readiness and to fire on her, in the present ardent state of her crew just in the moment of leaving port, it is morally certain that bloody consequences would follow. No one could say how many lives would be lost on both sides, and all experience has shown that blood once seriously spilled between nation and nation, the contest is continued by subordinate agents, and the door of peace is shut. At this moment, too, we expect in the river twenty of their ships of war, with a fleet of from one hundred to one hundred and fifty of their private vessels, which will arrive at the scene of blood in time to continue it, if not to partake in it.

Because the actual commencement of hostilities against a nation, for such this act may be, is an act of too serious consequence to our countrymen to be brought on their heads by subordinate officers, not chosen by them nor clothed with their confidence; and too presumptuous on the part of those officers, when the chief magistrate, into whose hands the citizens have committed their safety, is within eight and forty hours of his arrival here, and may have an opportunity of judging for himself and them, whether the buying and carrying away two cannon, (for according to information, the rest are the nation's own property,) is sufficient cause of war between Americans and Frenchmen.

Because, should the vessel, contrary to expectation, depart before the President's arrival, the adverse powers may be told the truth of the case: that she went off contrary to what we had a right to expect; that we shall be justifiable in future cases to measure our confidence accordingly; that for the present we shall demand satisfaction from France, which, with the proof of good faith we have already given, ought to satisfy them. Above all, Great Britain ought not to complain: for, since the date of the order forbidding that any of the belligerent powers should equip themselves in our ports with our arms, these two cannon are all that have escaped the vigilance of our officers on the part of their enemies, while their vessels have carried off more than ten times the number, without any

impediment; and if the suggestion be true (and as yet it is but suggestion) that there are fifteen or twenty Americans on board the Little Sarah, who have gone with their own consent, it is equally true that more than ten times that number of Americans are at this moment on board English ships of war, who have been taken forcibly from our merchant vessels at sea or in port, wherever met with, and compelled to bear arms against the friends of their country. And is it less a breach of our neutrality towards France to suffer England to strengthen herself with our force, than towards England to suffer France to do so? And are we equally ready and disposed to sink the British vessels in our ports by way of reprisal for this notorious and avowed practice?

Because it is inconsistent for a nation which has been patiently bearing for ten years the grossest insults and injuries from their late enemies, to rise at a feather against their friends and benefactors; and that, too, in a moment when circumstances have kindled the most ardent affections of the two people towards each other; when the little subjects of displeasure which have arisen are the acts of a particular individual, not yet important enough to have been carried to his government as causes of complaint; are such as nations of moderation and justice settle by negotiation, not making war their first step; are such as that government would correct at a word, if we may judge from the late unequivocal

demonstrations of their friendship towards us; and are very slight shades of the acts committed against us by England, which we have been endeavoring to rectify by negotiation, and on which they have never condescended to give any answer to our Minister.

Because I would not gratify the combination of kings with the spectacle of the two only republics on earth destroying each other for two cannon; nor would I, for infinitely greater cause, add this country to that combination, turn the scale of contest, and let it be from our hands that the hopes of man received their last stab.

It has been observed that a general order has been already given to stop by force vessels arming contrary to rule in our ports, in which I concurred. I did so because it was highly presumable that the destination of such a vessel would be discovered in some early stage, when there would be few persons on board, these not yet disposed nor prepared to resist, and a small party of militia put aboard would stop the procedure without a marked infraction of the peace. But it is a much more serious thing when a vessel has her full complement of men, (here said to be one hundred and twenty,) with every preparation and probably with disposition to go through with their enterprise. A serious engagement is then a certain consequence. Besides, an act of force, committed by an officer in a distant port, under general orders, given long ago, to take

effect on all cases, and with less latitude of discretion in him, would be a much more negotiable case than a recent order, given by the general Government itself (for that is the character we are to assume) on the spot, in the very moment, pointed at this special case, professing full discretion and not using it. This would be a stubborn transaction, not admitting those justifications and explanations which might avert a war, or admitting such only as would be entirely humiliating to the officers giving the order, and to the Government itself.

On the whole, respect to the chief magistrate, respect to our countrymen, their lives, interests, and affection, respect to a most friendly nation, who, if we give them the opportunity, will answer our wrongs by correcting and not by repeating them; respect to the most sacred cause that ever man was engaged in, poising maturely the evils which may flow from the commitment of an act which it would be in the power and probably in the temper of subordinate agents to make an act of continued war, and those which may flow from an eight and forty hours suspension of the act, are motives with me for suspending it eight and forty hours, even should we thereby lose the opportunity of committing it altogether.

COPY OF A MINUTE GIVEN TO THE PRESIDENT.

July the 12th, 1793. At a meeting of the Heads of the Departments at the President's, on summons from him, and on consideration of various representations from the Minister Plenipotentiary of France and Great Britain, on the subject of vessels arming and arriving in our ports, and of prizes;—it is their opinion that letters be written to the said ministers, informing them that the Executive of the United States is desirous of having done what shall be strictly conformable to the treaties of the United States; and the laws respecting the said cases has determined to refer the questions arising therein to persons learned in the laws; that as this reference will occasion some delay, it is expected that, in the meantime, the Little Sarah, or Little Democrat, the ship Jane, and the ship William, in the Delaware, the Citoyen Genet and her prizes, the brigs Lovely-Lass and Prince William Henry, and the brig in the Chesapeake, do not depart till the further order of the President.

That letters be addressed to the Judges of the Supreme Court of the United States, requesting their attendance at this place on Thursday the 18th instant, to give their advice on certain matters of public concern, which will be referred to them by the President.

That the Governor be desired to have the ship Jane attended to with vigilance, and if she be found

augmenting her force and about to depart, that he cause her to be stopped.

THOMAS JEFFERSON.
ALEXANDER HAMILTON.
HENRY KNOX.

A RECAPITULATION OF QUESTIONS WHEREUPON CABINET MEMBERS HAVE GIVEN OPINIONS.

Does the treaty with France leave us free to prohibit her from arming vessels in our ports? Thomas Jefferson, Hamilton, Knox, and Randolph—unanimous—it does. As the treaty obliges us to prohibit the enemies of France from arming in our ports, and leaves us free to prohibit France, do not the laws of neutrality oblige us to prohibit her? Same persons answer they do.

How far may a prohibition now declared be retrospective to the vessels armed in Charleston before the prohibition, to wit, the Citoyen Genet and Sans Culottes, and what is to be done with these prizes? Thomas Jefferson,—It cannot be retrospective at all; they may sell their prizes, and continue to act freely as other armed vessels of France. Hamilton and Knox,—The prizes ought to be given up to the English, and the privateers suppressed. Randolph, —They are free to sell their prizes, and the privateers should be ordered away, not to return here till they shall have been to the dominions of their own sovereign, and thereby purged the illegality of their

origin. This last opinion was adopted by the President.

Our citizens who have joined in these hostilities against nations at peace with the United States, are they punishable? E. Randolph gave an official opinion—they were. Thomas Jefferson, Hamilton and Knox joined in the opinion. All thought it our duty to have prosecutions instituted against them, that the laws might pronounce on their case. In the first instance, two only were prosecuted merely to try the question, and to satisfy the complaint of the British men; and because it was thought they might have offended unwittingly. But a subsequent armament of a vessel at New York taking place with full knowledge of this prosecution, all the persons engaged in it, citizens and foreigners, were ordered to be prosecuted.

May the prohibition extend to the means of the party arming, or are they only prohibited from using our means for the annoyance of their enemies? Thomas Jefferson of opinion they are free to use their own means, *i. e.*, to mount their own guns, &c. Hamilton and Knox of opinion they are not to put even their own implements or means into a posture of annoyance. The President has as yet not decided this.

May an armed vessel arriving here be prohibited to employ their own citizens found here as seamen or mariners? Thomas Jefferson,—They cannot be prohibited to recruit their own citizens. Hamilton

and Knox,—They may and ought to be prohibited. No decision yet by the President.

It appears to me the President wished the Little Sarah had been stopped by military coercion, that is, by firing on her; yet I do not believe he would have ordered it himself had he been here, though he would be glad if we had ordered it. The United States being a ship-building nation, may they sell ships, prepared for war, to both parties? Thomas Jefferson,—They may sell such ships in their ports to both parties, or carry them for sale to the dominions of both parties. E. Randolph of opinion they could not sell them here; and that if they attempted to carry them to the dominions of the parties for sale, they might be seized by the way as *contraband*. Hamilton of same opinion, except that he did not consider them as seizable for contraband, but as the property of a power, making itself a party in the *war* by an aid of such a nature, and consequently that it would be a breach of neutrality.

Hamilton moves that the Government of France be desired to recall Mr. Genet. Knox adds that he be in the meantime suspended from his functions. Thomas Jefferson proposes that his correspondence be communicated to his Government, with friendly observations. President silent.

July the 15th. Thomas Jefferson, Hamilton and Knox met at the President's. Governor Mifflin had

applied to Knox for the loan of four cannon to mount at Mud Island. He informed him he should station a guard of thirty-five militia there, and asked what arrangement for rations the general Government had taken. Knox told him nothing could be done as to rations, and he would ask the President for the cannon. In the meantime, he promised him to put the cannon on board a boat, ready to send off as soon as permission was obtained. The President declared his own opinion *first* and fully, that when the orders were given to the Government to stop vessels arming, &c., in our ports, even by military force, he took for granted the Government would use such diligence as to stop those projects in embryo, and stop them when no force was requisite, or a very small party of militia would suffice; that here was a demand from the Government of Pennsylvania to land four cannon under pretext of executing orders of the general Government; that if this was granted, we should be immediately applied to by every other Governor, and that not for one place only, but for several, and our cannon would be dispersed all over the United States; that for this reason we would refuse the same request to the Governors of South Carolina, Virginia, and Rhode Island; that if they erected batteries, they must establish men for them, and would come on us for this, too. He did not think the Executive had a power to establish permanent guards: he had never looked to anything permanent when the orders were given to the Governors, but

only an occasional call on small parties of militia in the moments requiring it. These sentiments were so entirely my own, that I did little more than combat on the same grounds the opinions of Hamilton and Knox. The latter said he would be ready to lend an equal number to every government to carry into effect orders of such importance; and Hamilton, that he would be willing to lend them in cases where they happened to be as near the place where they were to be mounted.

Hamilton submitted the purchase of a large quantity of saltpetre, which would outrun the funds destined to objects of that class by Congress. We were unanimous we ought to venture on it, and to the procuring supplies of military stores in the present circumstances, and take on us the responsibility to Congress, before whom it should be laid.

The President was fully of the same opinion.

In the above case of the cannon, the President gave no final order while I remained; but I saw that he was so impressed with the disagreeableness of taking them out of the boat again, that he would yield. He spoke sharply to Knox for having put them in that position without consulting him, and declared that, but for that circumstance, he would not have hesitated one moment to refuse them.

July the 18th, 1793. Lear calls on me. I told him that Irving, an Irishman, and a writer in the

Treasury, who, on a former occasion, had given the most decisive proofs of his devotion to his principal, was the author of the pieces signed Veritas; and I wished he could get at some of Irving's acquaintances and inform himself of the fact, as the person who told me of it would not permit the name of his informer to be mentioned; [*Note.*—Beckley told me of it, and he had it from Swaine, the printer to whom the pieces were delivered;] that I had long before suspected this excessive foul play in that party, of writing themselves in the character of the most exaggerated democrats, and incorporating with it a great deal of abuse on the President, to make him believe it was that party who were his enemies, and so throw him entirely into the scale of the monocrats. Lear said he no longer ago than yesterday, expressed to the President his suspicions of the artifices of that party to work on him. He mentioned the following fact as a proof of their writing in the character of their adversaries; to wit, the day after the little incident of Richet's toasting "the man of the people," (see the gazettes,) Mrs. Washington was at Mrs. Powel's, who mentioned to her that when the toast was given, there was a good deal of disapprobation appeared in the audience, and that many put on their hats and went out; on inquiry, he had not found the fact true, and yet it was put into ————'s paper, and written under the character of a republican, though he is satisfied it is altogether a slander of the monocrats. He mentioned this to the Presi-

dent, but he did not mention to him the following fact, which he knows; that in New York, the last summer, when the parties of Jay and Clinton were running so high, it was an agreed point with the former, that if any circumstances should ever bring it to a question, whether to drop Hamilton or the President, they had decided to drop the President. He said that lately one of the loudest pretended friends to the Government, damned it, and said it was good for nothing, that it could not support itself, and it was time to put it down and set up a better; and yet the same person, in speaking to the President, puffed off that party as the only friends to the Government. He said he really feared, that by their artifices and industry, they would aggravate the President so much against the republicans, as to separate him from the body of the people. I told him what the same cabals had decided to do, if the President had refused his assent to the bank bill; also what Brockhurst Livingston said to ———, that Hamilton's life was much more precious to the community than the President's.

CABINET MEETINGS.

July the 29th, 1793. At a meeting at the President's on account of the British letter-of-marque, ship Jane, said to have put up waste boards, to have pierced two port holes, and mounted two cannon (which she brought in) on new carriages which she did not bring in, and consequently having sixteen,

instead of fourteen, guns mounted, it was agreed that a letter-of-marque, or vessel *armé en guerre*, and *en merchandise*, is not a privateer, and therefore not to be ordered out of our ports. It was agreed by Hamilton, Knox, and myself, that the case of such a vessel does not depend on the treaties, but on the law of nations. Edmund Randolph thought, as she had a mixed character of merchant vessel and privateer, she might be considered under the treaty; but this being overruled, the following paper was written:

Rules proposed by Attorney General:

1st. That all equipments purely for the accommodation of vessels, as merchantmen, be admitted. [Agreed.]

2d. That all equipments, doubtful in their nature, and applicable equally to commerce or war, be admitted, as producing too many minutia. [Agreed.]

3d. That all equipments, solely adapted to military objects, be prohibited. [Agreed.]

Rules proposed by the Secretary of the Treasury:

1st. That the original arming and equipping of vessels for military service, offensive or defensive, in the ports of the United States, be considered as prohibited to all. [Agreed.]

2d. That vessels which were armed before their coming into our ports, shall not be permitted to augment these equipments in the ports of the United States, but may repair or replace any military equipments which they had when they began their voyage for the United States; that this, however, shall be

with the exception of privateers of the parties opposed to France, who shall not refit or repair. [Negatived—the Secretary of the Treasury only holding the opinion.]

3d. That for convenience, vessels armed and commissioned before they come into our ports, may engage their own citizens, not being inhabitants of the United States. [Agreed.]

I subjoined the following:

I concur in the rules proposed by the Attorney General, as far as respects materials or means of annoyance furnished by us; and I should be for an additional rule, that as to means or materials brought into this country, and belonging to themselves, they are free to use them.

August the 1st. Met at the President's, to consider what was to be done with Mr. Genet. All his correspondence with me was read over. The following propositions were made: 1. That a full statement of Mr. Genet's conduct be made in a letter to G. Morris, and be sent with his correspondence, to be communicated to the Executive Council of France; the letter to be so prepared, as to serve for the form of communication to the Council. Agreed unanimously. 2. That in that letter his recall be required. Agreed by all, though I expressed a preference of expressing that desire with great delicacy; the others were for peremptory terms. 3. To send him off. This was proposed by Knox; but rejected by every

other. 4. To write a letter to Mr. Genet, the same in substance with that written to G. Morris, and let him know we had applied for his recall. I was against this, because I thought it would render him extremely active in his plans, and endanger confusion. But I was overruled by the other three gentlemen and the President. 5. That a publication of the whole correspondence, and statement of the proceedings, should be made by way of appeal to the people. Hamilton made a jury speech of three-quarters of an hour, as inflammatory and declamatory as if he had been speaking to a jury. E. Randolph opposed it. I chose to leave the contest between them. Adjourned to next day.

August the 2d. Met again. Hamilton spoke again three-quarters of an hour. I answered on these topics. *Object* of the appeal.—The democratic society; this the great circumstance of alarm; afraid it would extend its connections over the continent; chiefly meant for the local object of the ensuing election of Governor. If left alone, would die away after that is over. If opposed, if proscribed, would give it importance and vigor; would give it a new object, and multitudes would join it merely to assert the right of voluntary associations. That the measure was calculated to make the President assume the station of the head of a party, instead of the head of the nation. *Plan* of the appeal.—To consist of *facts* and the *decisions* of the President. As to facts we

are agreed; but as to the decisions, there have been great differences of opinion among us. Sometimes as many opinions as persons. This proves there will be ground to attack the decisions. Genet will appeal also; it will become a contest between the President and Genet—anonymous writers—will be same difference of opinion in *public*, as in our cabinet—will be same difference in *Congress*, for it must be laid before them—would, therefore, work very unpleasantly *at home*. How would it work *abroad?* France—unkind—after such proofs of her friendship, should rely on that friendship, and her justice. Why appeal to the world? Friendly nations always negotiate little differences in private. Never appeal to the world, but when they appeal to the sword. Confederacy of Pilnitz was to overthrow the Government of France. The interference of France to disturb other governments and excite insurrections, was a measure of reprisal. Yet these Princes have been able to make it believed to be the system of France. Colonel Hamilton supposes Mr. Genet's proceedings here are in pursuance of that system; and we are so to declare it to the world, and to add our testimony to this base calumny of the Princes. What a triumph to them to be backed by our testimony. What a fatal stroke at the cause of liberty; *et tu Brute*. We indispose the French Government, and they will retract their offer of the treaty of commerce. The President manifestly inclined to the appeal to the people.[1]

[1] He said that Mr. Morris, taking a family dinner with him the other day, went largely, and of his own accord, into this subject;

Knox, in a foolish incoherent sort of a speech, introduced the pasquinade lately printed, called the funeral of George W——n, and James W——n, King and Judge, &c., where the President was placed on a guillotine. The President was much inflamed; got into one of those passions when he cannot command himself; ran on much on the personal abuse which had been bestowed on him; defied any man on earth to produce one single act of his since he had been in the Government, which was not done on the purest motives; that he had never repented but once the having slipped the moment of resigning his office, and that was every moment since; that *by God* he had rather be in his grave than in his present situation; that he had rather be on his farm than to be made *Emperor of the world;* and yet that they were charging him with wanting to be a King. That that *rascal Freneau* sent him three of his papers every day, as if he thought he would become the distributor of his papers; that he could see in this, nothing but an impudent design to insult him: he ended in this high tone. There was a pause. Some difficulty in resuming our question; it was, however, after a little while, presented again, and he said there seemed to

advised this appeal, and promised, if the President adopted it, that he would support it himself, and engage for all his connections. The President repeated this twice, and with an air of importance. Now, Mr. Morris has no family connections: he engaged then for his political friends. This shows that the President has not confidence enough in the virtue and good sense of mankind, to confide in a government bottomed on them, and thinks other props necessary.

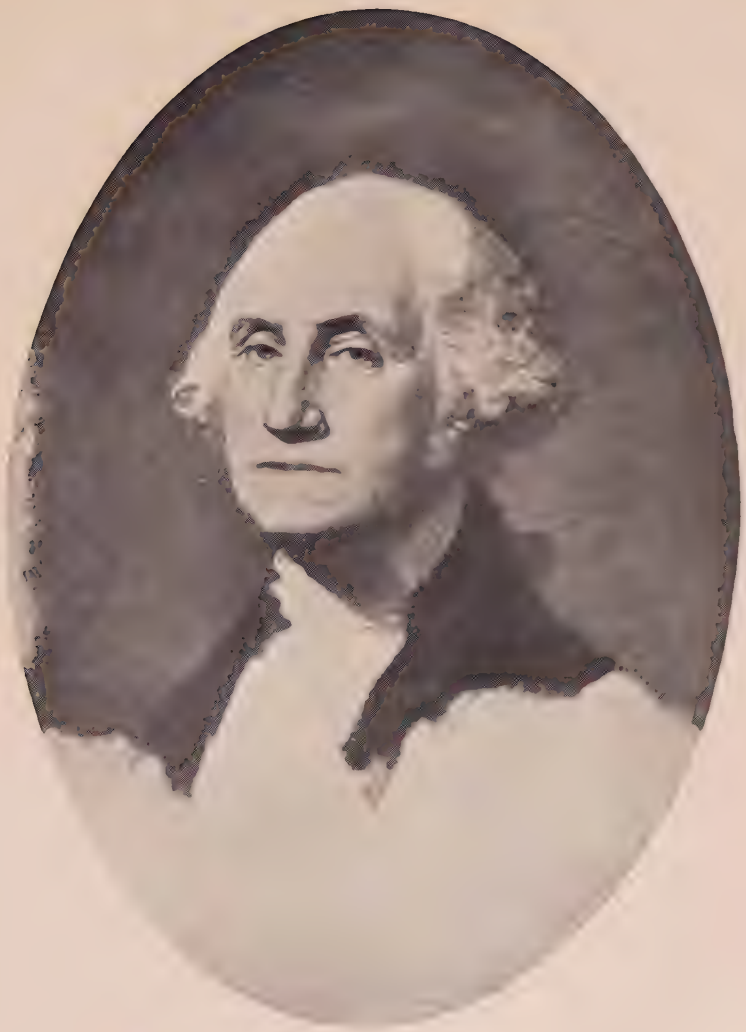
be no necessity for deciding it now; the propositions before agreed on might be put into a train of execution, and perhaps events would show whether the appeal would be necessary or not. He desired we would meet at my office the next day, to consider what should be done with the vessels armed in our ports by Mr. Genet, and their prizes.

August the 3d. We met. The President wrote to take our opinions, whether Congress should be called. Knox pronounced at once against it. Randolph was against it. Hamilton said his judgment was against it, but that if any two were for it, or against it, he would join them to make a majority. I was for it. We agreed to give separate opinions to the President. Knox said we should have had fine work, if Congress had been sitting these two last months. The fool thus let out the secret. Hamilton endeavored to patch up the indiscretion of this blabber, by saying "he did not know; he rather thought they would have strengthened the executive arm." It is evident they do not wish to lengthen the session of the *next Congress*, and probably they particularly wish it should not meet till Genet is gone. At this meeting I received a letter from Mr. Remson at New York, informing me of the event of the combat between the Ambuscade and the Boston. Knox broke out into the most unqualified abuse of Captain Courtany. Hamilton, with less fury, but with the deepest vexation, loaded him with censures.

Both showed the most unequivocal mortification at the event.

CONFERENCE WITH PRESIDENT WASHINGTON.

August the 6th, 1793. The President calls on me at my house in the country, and introduces my letter of July the 31st, announcing that I should resign at the close of the next month. He again expressed his repentance at not having resigned himself, and how much it was increased by seeing that he was to be deserted by those on whose aid he had counted; that he did not know where he should look to find characters to fill up the offices; that mere talents did not suffice for the Department of State, but it required a person conversant in foreign affairs, perhaps acquainted with foreign courts; that without this, the best talents would be awkward and at a loss. He told me that Colonel Hamilton had three or four weeks ago written to him, informing him that private as well as public reasons had brought him to the determination to retire, and that he should do it towards the close of the next session. He said he had often before intimated dispositions to resign, but never as decisively before; that he supposed he had fixed on the latter part of next session, to give an opportunity to Congress to examine into his conduct; that our going out at times so different, increased his difficulty; for if he had both places to fill at once, he might consult both the particular talents and geographical situation of our successors.



G Washington

He expressed great apprehensions at the fermentation which seemed to be working in the mind of the public; that many descriptions of persons, actuated by different causes, appeared to be uniting; what it would end in he knew not; a new Congress was to assemble, more numerous, perhaps of a different spirit; the first expressions of their sentiments would be important; if I would only stay to the end of that it would relieve him considerably.

I expressed to him my excessive repugnance to public life, the particular uneasiness of my situation in this place, where the laws of society oblige me always to move exactly in the circle which I know to bear me peculiar hatred; that is to say, the wealthy aristocrats, the merchants connected closely with England, the new created paper fortunes; that thus surrounded, my words were caught, multiplied, misconstrued, and even fabricated and spread abroad to my injury; that he saw also, that there was such an opposition of views between myself and another part of the Administration, as to render it peculiarly unpleasing, and to destroy the necessary harmony. Without knowing the views of what is called the republican party here, or having any communication with them, I could undertake to assure him, from my intimacy with that party in the late Congress, that there was not a view in the republican party as spread over the United States, which went to the frame of the Government; that I believed the next Congress would attempt nothing material, but

to render their own body independent; that that party were firm in their dispositions to support the Government; that the manœuvres of Mr. Genet might produce some little embarrassment, but that he would be abandoned by the republicans the moment they knew the nature of his conduct; and on the whole, no crisis existed which threatened anything.

He said he believed the views of the republican party were perfectly pure, but when men put a machine into motion, it is impossible for them to stop it exactly where they would choose, or to say where it will stop. That the constitution we have is an excellent one, if we can keep it where it is; that it was, indeed, supposed there was a party disposed to change it into a monarchical form, but that he could conscientiously declare there was not a man in the United States who would set his face more decidedly against it than himself. Here I interrupted him, by saying, "No rational man in the United States suspects you of any other disposition; but there does not pass a week, in which we cannot prove declarations dropping from the monarchical party that our Government is good for nothing, is a milk and water thing which cannot support itself, we must knock it down, and set up something of more energy." He said if that was the case, he thought it a proof of their insanity, for that the republican spirit of the Union was so manifest and so solid, that it was astonishing how any one could expect to move it.

He returned to the difficulty of naming my successor; he said Mr. Madison would be his first choice, but that he had always expressed to him such a decision against public office, that he could not expect he would undertake it. Mr. Jay would prefer his present office. He said that Mr. Jay had a great opinion of the talents of Mr. King; that there was also Mr. Smith of South Carolina, and E. Rutledge; but he observed, that name whom he would, some objections would be made, some would be called speculators, some one thing, some another; and he asked me to mention any characters occurring to me. I asked him if Governor Johnson of Maryland had occurred to him? He said he had; that he was a man of great good sense, an honest man, and he believed, clear of speculations; but this, said he, is an instance of what I was observing; with all these qualifications, Governor Johnson, from a want of familiarity with foreign affairs, would be in them like a fish out of water; everything would be new to him, and he awkward in everything. I confessed to him that I had considered Johnson rather as fit for the Treasury Department. Yes, said he, for that he would be the fittest appointment that could be made; he is a man acquainted with figures, and having as good a knowledge of the resources of this country as any man. I asked him if Chancellor Livingston had occurred to him? He said yes; but he was from New York, and to appoint him while Hamilton was in, and before it should be

known he was going out, would excite a newspaper conflagration, as the ultimate arrangement would not be known. He said McLurg had occurred to him as a man of first-rate abilities, but it is said that he is a speculator. He asked me what sort of a man Wolcott was. I told him I knew nothing of him myself; I had heard him characterized as a cunning man. I asked him whether some person could not take my office *par interim*, till he should make an appointment, as Mr. Randolph, for instance. Yes, said he, but there you would raise the expectation of keeping it, and I do not know that he is fit for it, nor what is thought of Mr. Randolph. I avoided noticing the last observation, and he put the question to me directly. I then told him, I went into society so little as to be unable to answer it: I knew that the embarrassments in his private affairs had obliged him to use expedients, which had injured him with the merchants and shop-keepers, and affected his character of independence; that these embarrassments were serious, and not likely to cease soon. He said if I would only stay in till the end of another quarter (the last of December) it would get us through the difficulties of this year, and he was satisfied that the affairs of Europe would be settled with this campaign; for that either France would be overwhelmed by it, or the confederacy would give up the contest. By that time, too, Congress would have manifested its character and view. I told him that I had set my

private affairs in motion in a line which had powerfully called for my presence the last spring, and that they had suffered immensely from my not going home; that I had now calculated them to my return in the fall, and to fail in going then, would be the loss of another year, and prejudicial beyond measure. I asked him whether he could not name Governor Johnson to my office, under an express arrangement that at the close of the session he should take that of the Treasury. He said that men never chose to descend; that being once in a higher Department, he would not like to go into a lower one. He asked me whether I could not arrange my affairs by going home. I told him I did not think the public business would admit of it; that there never was a day now in which the absence of the Secretary of State would not be inconvenient to the public. And he concluded by desiring that I would take two or three days to consider whether I could not stay in till the end of another quarter, for that like a man going to the gallows, he was willing to put it off as long as he could; but if I persisted, he must then look about him and make up his mind to do the best he could; and so he took leave.

CABINET MEETINGS.

August the 20th. We met at the President's to examine by paragraphs the draught of a letter I had prepared to Gouverneur Morris on the conduct of Mr. Genet. There was no difference of opinion on

any part of it, except on this expression, "An attempt to embroil both, to add still another nation to the enemies of his country, and to draw on both a reproach which it is hoped will never stain the history of either, that of *liberty warring on herself*." Hamilton moved to strike out these words, "that of liberty warring on herself." He urged generally that it would give offence to the combined powers; that it amounted to a declaration that they were warring on liberty; that we were not called on to declare that the cause of France was that of liberty; that he had at first been with them with all his heart, but that he had long since left them, and was not for encouraging the idea here, that the cause of France was the cause of liberty in general, or could have either connection or influence in our affairs. Knox, according to custom, jumped plump into all his opinions. The President, with a good deal of positiveness, declared in favor of the expression; that he considered the pursuit of France to be that of liberty, however they might sometimes fail of the best means of obtaining it; that he had never at any time entertained a doubt of their ultimate success, if they hung well together; and that as to their dissensions, there were such contradictory accounts given, that no one could tell what to believe. I observed that it had been supposed among us all along that the present letter might become public; that we had therefore three parties to attend to,—1st, France; 2d, her enemies; 3d,

the people of the United States; that as to the enemies of France, it ought not to offend them, because the passage objected to, only spoke of an attempt to make the United States, a *free nation*, war on France, a *free nation*, which would be liberty warring against liberty; that as to France, we were taking so harsh a measure (desiring her to recall her Minister) that a precedent for it could scarcely be found; that we knew that Minister would represent to his Government that our Executive was hostile to liberty, leaning to monarchy, and would endeavor to parry the charges on himself, by rendering suspicions the source from which they flowed; that, therefore, it was essential to satisfy France, not only of our friendship to her, but our attachment to the general cause of liberty, and to hers in particular; that as to the people of the United States, we knew there were suspicions abroad that the Executive, in some of its parts, was tainted with a hankering after monarchy, an indisposition towards liberty, and towards the French cause; and that it was important, by an explicit declaration, to remove these suspicions, and restore the confidence of the people in their Government. Randolph opposed the passage on nearly the same ground with Hamilton. He added, that he thought it had been agreed that this correspondence should contain no expressions which could give offence to either party. I replied that it had been my opinion in the beginning of the correspondence, that while

we were censuring the conduct of the French Minister, we should make the most cordial declarations of friendship to them; that in the first letter or two of the correspondence, I had inserted expressions of that kind, but that himself and the other two gentlemen had struck them out; that I thereupon conformed to their opinions in my subsequent letters, and had carefully avoided the insertion of a single term of friendship to the French nation, and the letters were as dry and husky as if written between the generals of two enemy nations; that on the present occasion, however, it had been agreed that such expressions ought to be inserted in the letter now under consideration, and I had accordingly charged it pretty well with them; that I had further thought it essential to satisfy the French and our own citizens of the light in which we viewed their cause, and of our fellow feeling for the general cause of liberty, and had ventured only four words on the subject; that there was not from beginning to end of the letter one other expression or word in favor of liberty, and I should think it singular, at least, if the single passage of that character should be struck out.

The President again spoke. He came into the idea that attention was due to the two parties who had been mentioned, France and the United States; that as to the former, thinking it certain their affairs would issue in a government of some sort—of considerable freedom—it was the only nation with

whom our relations could be counted on; that as to the United States, there could be no doubt of their universal attachment to the cause of France, and of the solidity of their republicanism. He declared his strong attachment to the expression, but finally left it to us to accommodate. It was struck out, of course, and the expressions of affection in the context were a good deal taken down.

August the 23d, 1793. In consequence of my note of yesterday to the President, a meeting was called this day at his house to determine what should be done with the proposition of France to treat. The importance of the matter was admitted; and being of so old a date as May 22d, we might be accused of neglecting the interests of the United States, to have left it so long unanswered, and it could not be doubted Mr. Genet would avail himself of this inattention. The President declared it had not been inattention, that it had been the subject of conversation often at our meetings, and the delay had proceeded from the difficulty of the thing.

If the struggles of France should end in the old despotism, the formation of such a treaty with the present government would be a matter of offence; if it should end in any kind of free government, he should be very unwilling, by inattention to their advances, to give offence, and lose the opportunity of procuring terms so advantageous to our country. He was, therefore, for writing to Mr. Morris to get the powers of Mr. Genet renewed to his successor.

[As he had expressed this opinion to me the afternoon before, I had prepared the draught of a letter accordingly.] But how to explain the delay? The Secretary of the Treasury observed on the letter of the National Convention, that as it did not seem to require an answer, and the matters it contained would occasion embarrassment if answered, he should be against answering it; that he should be for writing to Mr. Morris, mentioning our readiness to treat with them, and suggesting a renewal of Mr. Genet's powers to his successor, but not in as strong terms as I had done in my draught of the letter—not as a thing anxiously wished for by us, lest it should suggest to them the asking a price; and he was for my writing to Mr. Genet *now*, an answer to his letter of May 22d, referring to the meeting of the Senate the entering on the treaty. Knox concurred with him, the Attorney General also,—except that he was against suggesting the renewal of Mr. Genet's powers, because that would amount to a declaration that we would treat with that government, would commit us to lay the subject before the Senate, and his principle had ever been to do no act, not unavoidably necessary, which, in the event of a counter revolution, might offend the future governing powers of that country. I stated to them that having observed from our conversations that the propositions to treat might not be acceded to immediately, I had endeavored to prepare Mr. Genet for it, by taking occasion in conversations to

apprize him of the control over treaties which our constitution had given to the Senate; that though this was indirectly done, (because not having been authorized to say anything official on the subject, I did not venture to commit myself directly,) yet, on some subsequent conversation, I found it had struck him exactly as I had wished; for, speaking on some other matter, he mentioned incidentally his propositions to treat, and said, however, as I know now that you cannot take up that subject till the meeting of the Senate, I shall say no more about it now, and so proceeded with his other subject, which I do not now recollect. I said I thought it possible by recalling the substance of these conversations to Mr. Genet, in a letter to be written now, I might add that the Executive had at length come to a conclusion, that on account of the importance of the matter, they would await the meeting of the Senate; but I pressed strongly the urging Mr. Morris to procure a renewal of Genet's powers, that we might not lose the chance of obtaining so advantageous a treaty. Edmund Randolph had argued against our acceding to it, because it was too advantageous; so much so that they would certainly break it, and it might become the cause of war. I answered that it would be easy, in the course of the negotiation, to cure it of its inequality by giving some compensation; but I had no fear of their revoking it, that the islanders themselves were too much interested in the concessions ever to suffer

them to be revoked; that the best thinkers in France had long been of opinion that it would be for the interest of the mother country to let the colonies obtain subsistence wherever they could cheapest; that I was confident the present struggles in France would end in a free government of some sort, and that such a government would consider itself as growing out of the present one, and respect its treaties. The President recurred to the awkwardness of writing a letter now to Mr. Genet, in answer to his of May 22d; that it would certainly be construed as merely done with a design of exculpation of ourselves, and he would thence inculpate us. The more we reflected on this, the more the justice of the observation struck us. Hamilton and myself came into it—Knox still for the letter—Randolph half for it, half against it, according to custom.

It was at length agreed I should state the substance of my verbal observations to Mr. Genet, in a letter to Mr. Morris, and let them be considered as the answer intended; for being from the Secretary of State, they might be considered as official, though not in writing.

It is evident that taking this ground for their future justification to France and to the United States, they were sensible they had censurably neglected these overtures of treaty; for not only what I had said to Mr. Genet was without authority from them, but was never communicated to them till this day. To rest the justification of delay on

answers given, it is true in time; but of which they had no knowledge till now, is an ostensible justification only.

September the 4th, 1793. At a meeting held some days ago, some letters from the Governor of Georgia were read, in which a consultation of officers, and a considerable expedition against the Creeks was proposed. We were all of opinion no such expedition should be undertaken. My reasons were that such a war might bring on a Spanish, and even an English war; that for this reason the aggressions of the Creeks had been laid before the last Congress, and they had not chosen to declare war, therefore the Executive should not take on itself to do it; and that according to the opinions of Pickens and Blount, it was too late in the season.

I thought, however, that a temperate and conciliatory letter should be written to the Governor, in order that we might retain the disposition of the people of the State to assist in an expedition when undertaken. The other gentlemen thought a strong letter of disapprobation should be written. Such a one was this day produced, strong and reprehendatory enough, in which I thought were visible the personal enmities of Knox and Hamilton, against Telfair, Gun, and Jackson—the two last having been of the council of officers. The letter passed without objection, being of the complexion before determined.

Wayne's letter was read, proposing that six hundred militia should set out from Fort Pitt to attack certain Miami towns, while he marched against the principal towns. The President disapproved it, because of the difficulty of concerted movements at six hundred miles distance; because these six hundred men might, and probably would have the whole force of the Indians to contend with; and because the object was not worth the risking such a number of men. We all concurred. It appeared to me, further, that to begin an expedition from Fort Pitt, the very first order for which is to be given now, when we have reason to believe Wayne advanced as far as Fort Jefferson, would be either too late for his movements, or would retard them very injuriously. [*Note.*—The letters from the Commissioners were now read, announcing the refusal of the Indians to treat, unless the Ohio were made the boundary; and that they were on their return.]

A letter from Governor Clinton read, informing of his issuing a warrant to arrest Governor Galbaud, at the request of the French Consul, and that he was led to interfere because the Judge of the district lived at Albany. It was proposed to write to the Judge of the district, that the place of his residence was not adapted to his duties; and to Clinton, that Galbaud was not liable to arrest. Hamilton said, that by the laws of New York, the Governor has the powers of a justice of peace, and had issued the warrant as such.

I was against writing letters to judiciary officers. I thought them independent of the Executive, not subject to its coercion, and, therefore, not obliged to attend to its admonitions.

The other three were for writing the letters. They thought it the duty of the President to see that the laws were executed; and if he found a failure in so important an officer, to communicate it to the legisture for impeachment.

Edmund Randolph undertook to write the letters, and I am to sign them as if mine. The President brought forward the subject of the ports, and thought a new demand of answer should be made to Mr. Hammond. As we had not Mr. Hammond's last answer (of June 20th) on that subject, agreed to let it lie over to Monday.

Hammond proposed, that on Monday we should take into consideration the fortification of the rivers and ports of the United States, and that though the Executive could not undertake to do it, preparatory surveys should be made to be laid before Congress, to be considered on Monday.

The letters to Genet covering a copy of mine to Gov. Morris—of ——— to the French consuls, threatening the revocation of their Exequaturs—to Mr. Pinckney on the additional instructions of Great Britain to their navy for shipping our corn, flour, &c., and to Gov. Morris on the similar order of the French National Assembly, are to be ready on Monday.

My letter to Mr. Hammond, in answer to his of August 30th, was read and approved. Hamilton wished not to narrow the ground of compensation so much as to cases after August 7th. Knox joined him, and by several observations showed he did not know what the question was. He could not comprehend that the letter of August 7th, which promised compensation (because we had not used all the means in our power for restricting), would not be contradicted by a refusal to compensate in cases after August 7th, where we should naturally use all the means in our power for restriction, and these means should be insufficient. The letter was agreed to on Mr. Randolph's opinion and mine; Hamilton acquiescing, Knox opposing.

At sundry meetings of the Heads of Departments and Attorney General, from the 1st to the 28th of November, 1793, at the President's, several matters were agreed upon, as stated in the following letters from the Secretary of State, to wit:—

November the 8th. Circular letter to the representatives of France, Great Britain, Spain, and the United Netherlands, fixing provisionally the extent of our jurisdiction into the sea at a sea league.

10th. Circular letter to the district attorneys, notifying the same, and committing to them the taking depositions in those cases.

10th. Circular to the foreign representatives, notifying how depositions are to be taken in those cases.

The substance of the preceding letters was agreed to by all; the rough draughts were submitted to them and approved.

November the 14th. To Mr. Hammond, that the United States are not bound to restore the Rochampton. This was agreed by all. The rough draught was submitted to and approved by Colonel Hamilton and Mr. Randolph. General Knox was on a visit to Trenton.

10th. Letters to Mr. Genet and Hammond, and the 14th to Mr. Hollingsworth, for taking depositions in the cases of the Conningham and Pilgrim.

13th. Ditto, to Mr. Genet, Hammond, and Bowle, for depositions in the case of the William.

14th. Ditto, to Hollingsworth, to ascertain whether Mr. Moissonier had passed sentence on the Rochampton and Pilgrim.

These last-mentioned letters of the 10th, 13th, and 14th, were, as to their substance, agreed to by all, the draughts were only communicated to Mr. Randolph, and approved by him.

November the 13th. To Mr. Hammond, inquiring when we shall have an answer on the inexecution of the treaty. The substance agreed by all. The letter was sent off without communication, none of the gentlemen being at Germantown.

22d. To Mr. Genet, returning the commissions of Pennevert and Chervi, because not addressed to the President.

22d. To Mr. Genet, inquiring whether the Lovely-Lass, Prince William Henry, and Jane, of Dublin, have been given up; and if not, requiring that they be restored to owners. These were agreed to by all, as to their matter, and the letters themselves were submitted before they were sent to the President, the Secretary of War, and the Attorney-General.

22d. To Mr. Gore, for authentic evidence of Dannery's protest on the President's revocation of Duplaine's Exequatur. The substance agreed by all. The letter sent off before communication.

THOMAS JEFFERSON.
HENRY KNOX.
EDMUND RANDOLPH.
ALEXANDER HAMILTON.

November 23d, 1793.

November the 5th, 1793. E. Randolph tells me, that Hamilton, in conversation with him yesterday, said, "Sir, if all the people in America were now assembled, and to call on me to say whether I am a friend to the French revolution, I would declare that *I have it in abhorrence.*"

CONFERENCES OF THE CABINET.

November the 8th, 1793. At a conference at the President's, where I read several letters of Mr. Genet; on finishing one of them, I asked what should

be the answer? The President thereupon took occasion to observe, that Mr. Genet's conduct continued to be of so extraordinary a nature, that he meant to propose to our serious consideration, whether he should not have his functions discontinued, and be ordered away? He went lengthily into observations on his conduct, to raise against the Executive, 1, the People; 2, the State Governments; 3, the Congress. He showed he felt the venom of Genet's pen, but declared he would not choose his insolence should be regarded any further, than as might be thought to affect the honor of the country. Hamilton and Knox readily and zealously argued for dismissing Mr. Genet. Randolph opposed it with firmness, and pretty lengthily. The President replied to him lengthily, and concluded by saying he did not wish to have the thing hastily decided, but that we should consider of it, and give our opinions on his return from Reading and Lancaster.

Accordingly, November the 18th, we met at his house; read new volumes of Genet's letters, received since the President's departure; then took up the discussion of the subjects of communication to Congress. 1. The Proclamation. E. Randolph read the statement he had prepared; Hamilton did not like it; said much about his own views; that the President had a right to declare his opinion to our citizens and foreign nations; that it was not the interest of this country to join in the war, and that we were under no obligation to join in it; that though

the declaration would not legally bind Congress, yet the President had a right to give his opinion of it, and he was against any explanation in the speech, which should yield that he did not intend that foreign nations should consider it as a declaration of neutrality, future as well as present; that he understood it as meant to give them that sort of assurance and satisfaction, and to say otherwise now, would be a deception on them. He was for the President's using such expressions, as should neither affirm his right to make such a declaration to foreign nations, nor yield it. Randolph and myself opposed the right of the President to declare anything future on the question, shall there or shall there not be war, and that no such thing was intended; that Hamilton's construction of the effect of the proclamation, would have been a determination of the question of the *guarantee*, which we both denied to have intended, and I had at the time declared the Executive incompetent to. Randolph said he meant that foreign nations should understand it as an intimation of the President's opinion, that neutrality would be our interest. I declared my meaning to have been, that foreign nations should understand no such thing; that on the contrary, I would have chosen them to be doubtful, and to come and bid for our neutrality. I admitted the President, having received the nation at the close of Congress in a state of peace, was bound to preserve them in that state till Congress should meet again, and might pro-

claim anything which went no farther. The President declared he never had an idea that he could bind Congress against declaring war, or that anything contained in his proclamation could look beyond the first day of their meeting. His main view was to keep our people in peace; he apologized for the use of the term neutrality in his answers, and justified it, by having submitted the first of them (that to the merchants, wherein it was used) to our consideration, and we had not objected to the term. He concluded in the end, that Colonel Hamilton should prepare a paragraph on this subject for the speech, and it should then be considered. We were here called to dinner.

After dinner, the *renvoi* of Genet was proposed by himself. I opposed it on these topics. France, the only nation on earth sincerely our friend. The measure so harsh a one, that no precedent is produced where it has not been followed by war. Our messenger has now been gone eighty-four days; consequently, we may hourly expect the return, and to be relieved by their revocation of him. Were it now resolved on, it would be eight or ten days before the matter on which the order should be founded, could be selected, arranged, discussed, and forwarded. This would bring us within four or five days of the meeting of Congress. Would it not be better to wait and see how the pulse of that body, new as it is, would beat? They are with us now, probably, but such a step as this may carry

many over to Genet's side. Genet will not obey the order, &c., &c. The President asked me what I would do if Genet sent the accusation to us to be communicated to Congress, as he threatened in the letter to Moultrie? I said I would not send it to Congress; but either put it in the newspapers, or send it back to him to be published if he pleased. Other questions and answers were put and returned in a quicker altercation than I ever before saw the President use. Hamilton was for the *renvoi;* spoke much of the dignity of the nation; that they were now to form their character; that our conduct now would tempt or deter other foreign Ministers from treating us in the same manner; touched on the President's personal feelings; did not believe France would make it a cause of war; if she did, we ought to do what was right, and meet the consequences, &c. Knox on the same side, and said he thought it very possible Mr. Genet would either declare us a department of France, or levy troops here and endeavor to reduce us to obedience. Randolph of my opinion, and argued chiefly on the resurrection of popularity to Genet, which might be produced by this measure. That at present he was dead in the public opinion, if we would but leave him so. The President lamented there was not unanimity among us; that as it was, we had left him exactly where we found him; and so it ended.

November the 21st. We met at the President's. The manner of explaining to Congress the inten-

tions of the proclamation, was the matter of debate. Randolph produced his way of stating it. This expressed its views to have been, 1, to keep our citizens quiet; 2, to intimate to foreign nations that it was the President's opinion, that the interests and dispositions of this country were for peace. Hamilton produced his statement, in which he declared his intention to be, to say nothing which could be laid hold of for any purpose; to leave the proclamation to explain itself. He entered pretty fully into all the argumentation of Pacificus; he justified the right of the President to declare his opinion for a *future neutrality*, and that there existed no circumstances to oblige the United States to enter into the war on account of the guarantee; and that in agreeing to the proclamation, he meant it to be understood as conveying both those declarations; viz. neutrality, and that the *casus fœderis* on the guarantee did not exist. He admitted the Congress might declare war, notwithstanding these declarations of the President. In like manner, they might declare war in the face of a treaty, and in direct infraction of it. Among other positions laid down by him, this was with great positiveness; that the Constitution having given power to the President and Senate to make treaties, they might make a treaty of neutrality which should take from Congress the right to declare war in that particular case, and that under the form of a treaty they might exercise any powers whatever, even those exclusively

given by the constitution to the House of Representatives. Randolph opposed this position, and seemed to think that where they undertook to do acts by treaty, (as to settle a tariff of duties,) which were exclusively given to the Legislature, that an act of the Legislature would be necessary to confirm them, as happens in England, when a treaty interferes with duties established by law. I insisted that in giving to the President and Senate a power to make treaties, the Constitution meant only to authorize them to carry into effect, by way of treaty, any powers they might constitutionally exercise. I was sensible of the weak points in this position, but there were still weaker in the other hypothesis; and if it be impossible to discover a rational measure of authority to have been given by this clause, I would rather suppose that the cases which my hypothesis would leave unprovided, were not thought of by the convention, or if thought of, could not be agreed on, or were thought of and deemed unnecessary to be invested in the Government. Of this last description, were treaties of neutrality, treaties offensive and defensive, &c. In every event, I would rather construe so narrowly as to oblige the nation to amend, and thus declare what powers they would agree to yield, than too broadly, and indeed, so broadly as to enable the executive and Senate to do things which the Constitution forbids. On the question, which form of explaining the principles of the proclamation should be adopted, I declared

for Randolph's, though it gave to that instrument more objects than I had contemplated. Knox declared for Hamilton's. The President said he had had but one object, the keeping our people quiet till Congress should meet; that nevertheless, to declare he did not mean a declaration of neutrality, in the technical sense of the phrase, might perhaps be crying *peccavi* before he was charged. However, he did not decide between the two draughts.

November the 23d. At the President's. Present, Knox, Randolph, and Th: Jefferson. Subject, the heads of the speech. One was, a proposition to Congress to fortify the principal harbors. I opposed the expediency of the general Government's undertaking it, and the expediency of the President's proposing it. It was amended, by substituting a proposition to adopt means for enforcing respect to the jurisdiction of the United States within its waters. It was proposed to recommend the establishment of a military academy. I objected that none of the specified powers given by the Constitution to Congress, would authorize this. It was, therefore, referred for further consideration and inquiry. Knox was for both propositions. Randolph against the former, but said nothing as to the latter. The President acknowledged he had doubted of the expediency of undertaking the former; and as to the latter, though it would be a good thing, he did not wish to bring on anything

which might generate heat and ill humor. It was agreed that Randolph should draw the speech and the messages.

November the 28th. Met at the President's. I read over a list of the papers copying, to be communicated to Congress on the subject of Mr. Genet. It was agreed that Genet's letter of August the 13th to the President, mine of August the 16th, and Genet's of November to myself and the Attorney General, desiring a prosecution of Jay and King should not be sent to the legislature: on a general opinion, that the discussion of the fact certified by Jay and King had better be left to the channel of the newspapers, and in the private hands in which it now is, than for the President to meddle in it, or give room to a discussion of it in Congress.

Randolph had prepared a draught of the speech. The clause recommending fortifications was left out; but that for a military academy was inserted. I opposed it, as unauthorized by the Constitution. Hamilton and Knox approved it without discussion. Randolph was for it, saying that the words of the Constitution authorizing Congress to lay taxes, &c., *for the common defence*, might comprehend it. The President said he would not choose to recommend anything against the Constitution, but if it was *doubtful*, he was so impressed with the necessity of this measure, that he would refer it to Congress, and let them decide for themselves whether the Constitu-

tion authorized it or not. It was, therefore, left in. I was happy to see that Randolph had, by accident, used the expression "our republic," in the speech. The President, however, made no objection to it, and so, as much as it had disconcerted him on a former occasion with me, it was now put into his own mouth to be pronounced to the two Houses of legislature.

No material alterations were proposed or made in any part of the draught.

After dinner, I produced the draught of messages on the subject of France and England, proposing that that relative to Spain should be subsequent and secret.

Hamilton objected to the draught *in toto;* said that the contrast drawn between the conduct of France and England amounted to a declaration of war; he denied that France had ever done us favors; that it was mean for a nation to acknowledge favors; that the dispositions of the people of this country towards France, he considered as a serious calamity; that the Executive ought not, by an echo of this language, to nourish that disposition in the people; that the offers in commerce made us by France, were the offspring of the moment, of circumstances which would not last, and it was wrong to receive as permanent, things merely temporary; that he could demonstrate that Great Britain showed us more favors than France. In complaisance to him I whittled down the expressions without opposition; struck out that of "favors

ancient and recent" from France; softened some terms, and omitted some sentiments respecting Great Britain. He still was against the whole, but insisted that, at any rate, it should be a secret communication, because the matters it stated were still depending. These were, 1, the inexecution of the treaty; 2, the restraining our commerce to their own ports and those of their friends. Knox joined Hamilton in everything. Randolph was for the communications; that the documents respecting the first should be given in as public; but that those respecting the second should not be given to the legislature at all, but kept secret. I began to tremble now for the whole, lest all should be kept secret. I urged, especially, the duty now incumbent on the President, to lay before the legislature and the public what had passed on the inexecution of the treaty, since Mr. Hammond's answer of this month might be considered as the last we should ever have; that, therefore, it could no longer be considered as a negotiation pending. I urged that the documents respecting the stopping our corn ought also to go, but insisted that if it should be thought better to withhold them, the restrictions should not go to those respecting the treaty; that neither of these subjects was more in a state of *pendency* than the recall of Mr. Genet, on which, nevertheless, no scruples had been expressed. The President took up the subject with more vehemence than I have seen him show, and decided without reserve, that not only what had passed on the

inexecution of the treaty should go in as public, (in which Hamilton and Knox had divided in opinion from Randolph and myself,) but also that those respecting the stopping our corn should go in as public, (wherein, Hamilton, Knox, and Randolph had been against me). This was the first instance I had seen of his deciding on the opinion of one against that of three others, which proved his own to have been very strong.

December the 1st, 1793. Beckley tells me he had the following fact from Lear. Langdon, Cabot, and some others of the Senate, standing in a knot before the fire after the Senate had adjourned, and growling together about some measure which they had just lost; "Ah!" said Cabot, "things will never go right till you have a President for life, and an hereditary Senate." Langdon told this to Lear, who mentioned it to the President. The President seemed struck with it, and declared he had not supposed there was a man in the United States who could have entertained such an idea.

CONVERSATION WITH JOHN ADAMS.

March the 2d, 1797. I arrived at Philadelphia to qualify as Vice-President, and called instantly on Mr. Adams, who lodged at Francis's, in Fourth street. The next morning he returned my visit at Mr. Madison's, where I lodged. He found me alone in my

room, and shutting the door himself, he said he was glad to find me alone, for that he wished a free conversation with me. He entered immediately on an explanation of the situation of our affairs with France, and the danger of rupture with that nation, a rupture which would convulse the attachments of this country; that he was impressed with the necessity of an immediate mission to the Directory; that it would have been the first wish of his heart to have got me to go there, but that he supposed it was out of the question, as it did not seem justifiable for him to send away the person destined to take his place in case of accident to himself, nor decent to remove from competition one who was a rival in the public favor. That he had, therefore, concluded to send a mission, which, by its dignity, should satisfy France, and by its selection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he had determined to join Gerry and Madison to Pinckney, and he wished me to consult Mr. Madison for him. I told him that as to myself, I concurred in the opinion of the impropriety of my leaving the post assigned me, and that my inclinations, moreover, would never permit me to cross the Atlantic again; that I would, as he desired, consult Mr. Madison, but I feared it was desperate, as he had refused that mission on my leaving it, in General Washington's time, though it was kept open a twelvemonth for him. He said that if Mr. Madison should refuse, he would still appoint

him, and leave the responsibility on him. I consulted Mr. Madison, who declined as I expected. I think it was on Monday, the 6th of March, Mr. Adams and myself met at dinner at General Washington's, and we happened, in the evening, to rise from table and come away together. As soon as we got into the street, I told him the event of my negotiation with Mr. Madison. He immediately said, that, on consultation, some objections to that nomination had been raised which he had not contemplated; and was going on with excuses which evidently embarrassed him, when we came to Fifth street, where our road separated, his being down Market street, mine off along Fifth, and we took leave; and he never after that said one word to me on the subject, or ever consulted me as to any measures of the government. The opinion I formed at the time on this transaction, was, that Mr. Adams, in the first moments of the enthusiasm of the occasion, (his inauguration,) forgot party sentiments, and as he never acted on any system, but was always governed by the feeling of the moment, he thought, for a moment, to steer impartially between the parties; that Monday, the 6th of March, being the first time he had met his cabinet, on expressing ideas of this kind, he had been at once diverted from them, and returned to his former party views.

July, 1797. Murray is rewarded for his services by an appointment to Amsterdam; W. Smith of Charleston, to Lisbon.

August the 24th. About the time of the British treaty, Hamilton and Talleyrand, bishop of Autun, dined together, and Hamilton drank freely. Conversing on the treaty, Talleyrand said, "mais vraiment Monsieur Hamilton, ce n'est pas *bien honnete*, after making the Senate ratify the treaty, to advise the President to reject it." "The treaty," said Hamilton, "is an execrable one, and Jay was an old woman for making it; but the whole credit of saving us from it must be given to the President." After circumstances had led to a conclusion that the President also must ratify it, he said to the same Talleyrand, "though the treaty is a most execrable one, yet when once we have come to a determination on it, we must carry it through thick and thin, right or wrong." Talleyrand told this to Volney, who told it to me.

There is a letter now appearing in the papers, from Pickering to Monroe, dated July the 24th, 1797, which I am satisfied is written by Hamilton. He was in Philadelphia at that date.

December the 26th, 1797. Langdon tells me, that at the second election of President and Vice-President of the United States, when there was a considerable vote given to Clinton in opposition to Mr. Adams, he took occasion to remark it in conversation in the Senate chamber with Mr. Adams, who, gritting his teeth, said, "damn 'em, damn 'em,

damn 'em, you see that an elective government will not do." He also tells me that Mr. Adams, in a late conversation, said, "republicanism must be disgraced, Sir." The Chevalier Yruho called on him at Braintree, and conversing on French affairs, and Yruho expressing his belief of their stability, in opposition to Mr. Adams, the latter lifting up and shaking his finger at him, said, "I'll tell you what, the French republic will not last three months." This I had from Yruho.

Harper, lately in a large company, was saying that the best thing the friends of the French could do, was to pray for the restoration of their monarch. "Then," said a bystander, "the best thing we could do, I suppose, would be to pray for the establishment of a monarch in the United States." "Our people," said Harper, "are not yet ripe for it, but it is the best thing we can come to, and we shall come to it." Something like this was said in presence of Findlay. He now denies it in the public papers, though it can be proved by several members.

December the 27th. Tenche Coxe tells me, that a little before Hamilton went out of office, or just as he was going out, taking with him his last conversation, and among other things, on the subject of their differences, "for my part," said he, "I avow myself a monarchist; I have no objection to a trial being made of this thing of a republic, but," &c.

January the 5th, 1798. I receive a very remarkable fact indeed in our history, from Baldwin and Skinner. Before the establishment of our present government, a very extensive combination had taken place in New York and the eastern States, among that description of people who were partly monarchical in principle, or frightened with Shay's rebellion and the impotence of the old Congress. Delegates in different places had actually had consultations on the subject of seizing on the powers of a government, and establishing them by force; had corresponded with one another, and had sent a deputy to General Washington to solicit his cooperation. He refused to join them. The new convention was in the meantime proposed by Virginia and appointed. These people believed it impossible the States should ever agree on a government, as this must include the impost and all the other powers which the States had a thousand times refused to the general authority. They therefore let the proposed convention go on, not doubting its failure, and confiding that on its failure would be a still more favorable moment for their enterprise. They therefore wished it to fail, and especially, when Hamilton, their leader, brought forward his plan of government, failed entirely in carrying it, and retired in disgust from the convention. His associates then took every method to prevent any form of government being agreed to. But the well-intentioned never ceased trying, first one thing, then another, till they

could get something agreed to. The final passage and adoption of the Constitution completely defeated the views of the combination, and saved us from an attempt to establish a government over us by force. This fact throws a blaze of light on the conduct of several members from New York and the eastern States in the convention of Annapolis, and the grand convention. At that of Annapolis, several eastern members most vehemently opposed Madison's proposition for a more general convention, with more general powers. They wished things to get more and more into confusion, to justify the violent measure they proposed. The idea of establishing a government by reasoning and agreement, they publicly ridiculed as an Utopian project, visionary and unexampled.

February the 6th, 1798. Mr. Baldwin tells me, that in a conversation yesterday with Goodhue, on the state of our affairs, Goodhue said, "I'll tell you what, I have made up my mind on this subject; I would rather the old ship should go down than not;" (meaning the Union of the States). Mr. Hillhouse coming up, "well," said Mr. Baldwin, "I'll tell my old friend Hillhouse what you say;" and he told him. "Well," said Goodhue, "I repeat that I would rather the old ship should go down, if we are to be always kept pumping so." "Mr. Hillhouse," said Baldwin, "you remember when we were learning

logic together at school, there was the case *categorical* and the case *hypothetical*. Mr. Goodhue stated it to me first as the case categorical. I am glad to see that he now changes it to the case hypothetical, by adding, 'if we are always to be kept pumping so.' " Baldwin went on then to remind Goodhue what an advocate he had been for our tonnage duty, wanting to make it one dollar instead of fifty cents; and how impatiently he bore the delays of Congress in proceeding to retaliate on Great Britain before Mr. Madison's propositions came on. Goodhue acknowledged that his opinions had changed since that.

DINNER WITH PRESIDENT ADAMS.

February the 15th, 1798. I dined this day with Mr. Adams, (the President). The company was large. After dinner I was sitting next to him, and our conversation was first on the enormous price of labor,[1] house rent, and other things. We both concurred in ascribing it chiefly to the floods of bank paper now afloat, and in condemning those institutions. We then got on the Constitution; and in the course of our conversation he said, that no republic could ever last which had not a Senate, and a Senate deeply and strongly rooted, strong enough to bear

[1] He observed, that eight or ten years ago, he gave only fifty dollars to a common laborer for his farm, finding him food and lodging. Now he gives one hundred and fifty dollars, and even two hundred dollars to one.

up against all popular storms and passions; that he thought our Senate as well constituted as it could have been, being chosen by the legislatures; for if these could not support them, he did not know what could do it; that perhaps it might have been as well for them to be chosen by the State at large, as that would insure a choice of distinguished men, since none but such could be known to a whole people; that the only fault in our Senate was, that it was not durable enough; that hitherto, it had behaved very well; however, he was afraid they would give way in the end. That as to trusting to a popular assembly for the preservation of our liberties, it was the merest chimera imaginable; they never had any rule of decision but their own will; that he would as lieve be again in the hands of our old committees of safety, who made the law and executed it at the same time; that it had been observed by some writer, (I forget whom he named,) that anarchy did more mischief in one night, than tyranny in an age; and that in modern times we might say with truth, that in France, anarchy had done more harm in one night, than all the despotism of their Kings had ever done in twenty or thirty years. The point in which he views our Senate, as the colossus of the Constitution, serves as a key to the politics of the Senate, who are two-thirds of them in his sentiments, and accounts for the bold line of conduct they pursue.

March the 1st. Mr. Tazewell tells me, that when the appropriations for the British treaty were on the carpet, and very uncertain in the lower House, there being at that time a number of bills in the hands of committees of the Senate, none reported, and the Senate idle for want of them, he, in his place, called on the committees to report, and particularly on Mr. King, who was of most of them. King said that it was true the committees kept back their reports, waiting the event of the question about appropriation; that if that was not carried, they considered legislation as at an end; that they might as well break up and consider the Union as dissolved. Tazewell expressed his astonishment at these ideas, and called on King to know if he had misapprehended him. King rose again and repeated the same words. The next day, Cabot took an occasion in debate, and so awkward a one as to show it was a thing agreed to be done, to repeat the same sentiments in stronger terms, and carried further, by declaring a determination on their side to break up and dissolve the government.

March the 11th. In conversation with Baldwin, and Brown of Kentucky, Brown said that in a private company once, consisting of Hamilton, King, Madison, himself, and some one else making a fifth, speaking of the "*federal government;*" "Oh!" said Hamilton, "say the *federal monarchy*, let us call things by their right names, for a monarchy it is."

Baldwin mentions at table the following fact: When the bank bill was under discussion in the House of Representatives, Judge Wilson came in, and was standing by Baldwin. Baldwin reminded him of the following fact which passed in the grand convention: Among the enumerated powers given to Congress, was one to erect corporations. It was, on debate, struck out. Several particular powers were then proposed. Among others, Robert Morris proposed to give Congress a power to establish a national bank. Gouverneur Morris opposed it, observing that it was extremely doubtful whether the Constitution they were framing could ever be passed at all by the people of America; that to give it its best chance, however, they should make it as palatable as possible, and put nothing into it not very essential, which might raise up enemies; that his colleague (Robert Morris) well knew that "a bank" was, in their State, (Pennsylvania,) the very watch-word of party; that *a bank* had been the great bone of contention between the two parties of the State from the establishment of their constitution, having been erected, put down, and erected again, as either party preponderated; that therefore, to insert this power, would instantly enlist against the whole instrument, the whole of the anti-bank party in Pennsylvania. Whereupon it was rejected, as was every other special power, except that of giving copyrights to authors, and patents to inventors; the general power of incorporating being whittled down to this shred. Wilson agreed to the fact.

Mr. Hunter, of South Carolina, who lodges with Rutledge,[1] tells me that Rutledge was explaining to him the plan they proposed to pursue as to war measures when Otis came in. Rutledge addressed Otis. Now, sir, said he, you must come forward with something liberal for the southern States, fortify their harbors, and build gallies, in order to obtain their concurrence. Otis said, we insist on convoys for our European trade, and *guarda costas*, on which condition alone we will give them gallies and fortifications. Rutledge observed, that in the event of war, McHenry and Pickering must go out; Wolcott, he thought, might remain, but the others were incapable of conducting a war. Otis said the eastern people would never abandon Pickering, he must be retained; McHenry might go. They considered together whether General Pinckney would accept the office of Secretary of War. They apprehended he would not. It was agreed in this conversation that Sewall had more the ear of the President than any other person.

March the 12th. When the bill for appropriations was before the Senate, Anderson moved to strike out a clause recognizing (by way of appropriation) the appointment of a committee by the House of Representatives to sit during their recess to collect evidence on Blount's case, denying they had power, but by a law, to authorize a committee to sit during recess.

[1] J. Rutledge, junior.

Tracy advocated the motion, and said, "We may as well speak out. The committee was appointed by the House of Representatives to take care of the British Minister, to take care of the Spanish Minister, to take care of the Secretary of State, in short, to take care of the President of the United States. They were afraid the President, and Secretary of State would not perform the office of collecting evidence faithfully; that there would be collusion, &c. Therefore, the House appointed a committee of their own. We shall have them next sending a committee to Europe to make a treaty, &c. Suppose that the House of Representatives should resolve, that after the adjournment of Congress, they should continue to sit as a committee of the whole House during the whole recess." This shows how the appointment of that committee has been viewed by the President's friends.

April the 5th. Doctor Rush tells me he had it from Mrs. Adams, that not a scrip of a pen has passed between the late and present President since he came into office.

April the 13th. New instructions of the British Government to their armed ships now appear, which clearly infringe their treaty with us, by authorizing them to take our vessels carrying produce of the French colonies from those colonies to Europe, and to take vessels bound to a blockaded port. See them in Brown's paper, of April the 18th, in due form.

The President has sent a government brig to France, probably to carry despatches. He has chosen as the bearer of these one Humphreys, the son of a ship carpenter, ignorant, under age, not speaking a word of French, most abusive of that nation, whose only merit is, the having mobbed and beaten Bache on board the frigate built here, for which he was indicted and punished by fine.

April the 25th. At a dinner given by the bar to the federal judges, Chase and Peters, present about twenty-four lawyers, and William Tilghman in the chair, this toast was given, "Our *King* in old England." Observe the double *entendre* on the word King. Du Ponceau, who was one of the bar present, told this to Tenche Coxe, who told me in presence of H. Tazewell. Dallas was at the dinner; so was Colonel Charles Sims, of Alexandria, who is here on a lawsuit *vs.* General Irving.

May the 3d. The President some time ago appointed Steele, of Virginia, a commissioner to the Indians, and recently Secretary of the Mississippi Territory. Steele was a Counsellor of Virginia, and was voted out by the Assembly because he turned tory. He then offered for Congress, and was rejected by the people. Then offered for the Senate of Virginia, and was rejected. The President has also

appointed Joseph Hopkinson commissioner to make a treaty with the Oneida Indians. He is a youth of about twenty-two or twenty-three, and has no other claims to such an appointment than extreme toryism, and the having made a poor song to the tune of the President's March.

October the 13th, 1798. Littlepage, who has been on one or two missions from Poland to Spain, said that when Gardoqui returned from America, he settled with his court an account of secret service money of six hundred thousand dollars. *Ex-relatione* Colonel Monroe.

January, 1799. In a conversation between Dr. Ewen and the President, the former said one of his sons was an aristocrat, the other a democrat. The President asked if it was not the youngest who was the democrat. "Yes," said Ewen. "Well," said the President, "a boy of fifteen who is not a democrat is good for nothing, and he is no better who is a democrat at twenty." Ewen told Hurt, and Hurt told me.

January the 14th. Logan tells me that in his conversation with Pickering on his arrival, the latter abused Gerry very much; said he was a traitor to his country, and had deserted the post to which he was appointed; that the French temporized at first

with Pinckney, but found him too much of a man for their purpose. Logan observing, that notwithstanding the pacific declarations of France, it might still be well to keep up the military ardor of our citizens, and to have the militia in good order; "the militia," said Pickering, "the militia never did any good to this country, except in the single affair of Bunker Hill; that we must have a standing army of fifty thousand men, which being stationed in different parts of the continent, might serve as rallying points for the militia, and so render them of some service." In his conversation with Mr. Adams, Logan mentioned the willingness of the French to treat with Gerry. "And do you know why?" said Mr. Adams. "Why, sir?" said Logan. "Because," said Mr. Adams, "they know him to have been an anti-federalist, against the Constitution."

January the 2d, 1800. Information from Tenche Coxe. Mr. Liston had sent two letters to the Governor of Canada by one Sweezy. He had sent copies of them, together with a third (original) by one Cribs. Sweezy was arrested (being an old horse thief), and his papers examined. T. Coxe had a sight of them. As soon as a rumor got out that there were letters of Mr. Liston disclosed, but no particulars yet mentioned, Mr. Liston suspecting that *Cribs* had betrayed him, thought it best to bring all his *three* letters, and lay them before Pickering, Secretary of State. Pickering thought them all very innocent. In his office they were seen by a Mr.

Hodgen, of New Jersey, commissary of military stores, and the intimate friend of Pickering. It happens that there is some land partnership between Pickering, Hodgen and Coxe, so that the latter is freely and intimately visited by Hodgen, who, moreover, speaks freely with him on political subjects. They were talking the news of the day, when Mr. Coxe observed that these intercepted letters of Liston were serious things; (nothing being yet out but a general rumor). Hodgen asked which he thought the most serious. Coxe said the second; (for he knew yet of no other). Hodgen said he thought little of any of them, but that the third was the most exceptionable. This struck Coxe, who, not betraying his ignorance of a third letter, asked generally what part of that he alluded to. Hodgen said to that wherein he *assured the Governor of Canada, that if the French invaded Canada, an army would be marched from these States to his assistance.* After this it became known that it was Sweezy who was arrested, and not Cribs; so that Mr. Liston had made an unnecessary disclosure of his third letter to Mr. Pickering, who, however, keeps his secret for him. In the beginning of the conversation between Hodgen and Coxe, Coxe happened to name Sweezy as the bearer of the letters. "That's not his name," said Hodgen (for he did not know that two of the letters had been sent by Sweezy also), "his name is Cribs." This put Coxe on his guard, and sent him fishing for the new matter.

January the 10th. Doctor Rush tells me that he had it from Samuel Lyman, that during the X Y Z Congress, the federal members held the largest caucus they have ever had, at which he was present, and the question was proposed and debated, whether they should declare war against France, and determined in the negative. Lyman was against it.

He tells me, that Mr. Adams told him, that when he came on in the fall to Trenton, he was there surrounded constantly by the opponents of the late mission to France. That Hamilton pressing him to delay it, said, "Why, sir, by Christmas, Louis the XVIII. will be seated on his throne." Mr. A. "By whom?" H. "By the coalition." Mr. A. "Ah! then farewell to the independence of Europe. If a coalition moved by the finger of England, is to give a government to France, there is an end to the independence of every country."

January the 12th. General Samuel Smith says that Pickering, Wolcott, and McHenry, wrote a joint letter from Trenton to the President, then at Braintree, dissuading him from the mission to France. Stoddard refused to join in it. Stoddard says the instructions are such, that if the Directory have any disposition to reconciliation, a treaty will be made. He observed to him, also, that Ellsworth looks beyond this mission to the Presidential chair. That with this view, he will endeavor to make a treaty,

and a good one. That Davie has the same vanity and views. All this communicated by Stoddard to S. Smith.

January the 13th. Baer and Harrison G. Otis told J. Nicholas, that in the caucus mentioned ante 10th, there wanted but five votes to produce a declaration of war. Baer was against it.

January the 19th. W. C. Nicholas tells me, that in a conversation with Dexter three or four days ago, he asked Dexter whether it would not be practicable for the States to agree on some uniform mode of choosing electors of President. Dexter said, "I suppose you would prefer an election by districts." "Yes," said Nicholas, "I think it would be best; but would nevertheless agree to any other consistent with the Constitution." Dexter said he did not know what might be the opinion of his State, but his own was, that no mode of *election* would answer any good purpose; that he should prefer one *for life*. "On that reasoning," said Nicholas, "you should prefer an hereditary one." "No," he said, "we are not ripe for that yet. I suppose," added he, "this doctrine is not very popular with you." "No," said Nicholas, "it would effectually damn any man in my State." "So it would in mine," said Dexter; "but I am under no inducement to belie my sentiment, I have nothing to ask from anybody; I had

rather be at home than here, therefore I speak my sentiments freely." Mr. Nicholas, a little before or after this, made the same proposition of a uniform election to Ross, who replied that he saw no good in any kind of election. "Perhaps," said he, "the present one may last awhile." On the whole, Mr. Nicholas thinks he perceives in that party, a willingness and a wish to let everything go from bad to worse, to amend nothing, in hopes it may bring on confusion, and open a door to the kind of government they wish. In a conversation with Gunn, who goes with them, but thinks in some degree with us, Gunn told him that the very game which the minority of Pennsylvania is now playing with McKean, (see substitute of minority in lower House, and address of Senate in upper,) was meditated by the same party in the federal government, in case of the election of a republican President; and that the eastern States would in that case throw things into confusion, and break the Union. That they have in a great degree got rid of their paper, so as no longer to be creditors, and the moment they cease to enjoy the plunder of the immense appropriations now exclusively theirs, they would aim at some other order of things.

January the 24th. Mr. Smith, a merchant of Hamburg, gives me the following information: The St. Andrew's Club of New York, (all of Scotch tories,) gave a public dinner lately. Among other

guests, Alexander Hamilton was one. After dinner, the first toast was, "The President of the United States." It was drank without any particular approbation. The next was, "George the Third." Hamilton started up on his feet, and insisted on a bumper and three cheers. The whole company accordingly rose and gave the cheers. One of them, though a federalist, was so disgusted at the partiality shown by Hamilton to a foreign sovereign over his own President, that he mentioned it to a Mr. Schwarthouse, an American merchant of New York, who mentioned it to Smith.

Mr. Smith also tells me, that calling one evening on Mr. Evans, then Speaker of the House of Representatives of Pennsylvania, and asking the news, Evans said Harper had been just there, and speaking of the President's setting out to Braintree, said, "he prayed to God that his horses might run away with him, or some other accident happen to break his neck before he reached Braintree." This was indignation at his having named Murray, &c., to negotiate with France. Evans approved of the wish.

February the 1st. Doctor Rush tells me that he had it from Asa Green, that when the clergy addressed General Washington on his departure from the Government, it was observed in their consultation, that he had never, on any occasion, said a word to the public which showed a belief in the Christian

religion, and they thought they should so pen their address, as to force him at length to declare publicly whether he was a Christian or not. They did so. However, he observed, the old fox was too cunning for them. He answered every article of their address particularly except that, which he passed over without notice. Rush observes, he never did say a word on the subject in any of his public papers, except in his valedictory letter to the Governors of the States, when he resigned his commission in the army, wherein he speaks of "the benign influence of the Christian religion."

I know that Gouverneur Morris, who pretended to be in his secrets and believed himself to be so, has often told me that General Washington believed no more of that system than he himself did.

March, 1800. Heretical doctrines maintained in Senate, on the motion against the Aurora. That there is in every legal body of men a right of self-preservation, authorizing them to do whatever is necessary for that purpose: by Tracy, Read, and Lawrence. That the common law authorizes the proceeding proposed against the Aurora, and is in force here: by Read. That the privileges of Congress are and ought to be indefinite: by Read.

Tracy says, he would not say exactly that the common law of England in all its extent is in force here; but common sense, reason and morality,

which are the foundations of the common law, are in force here, and establish a common law. He held himself so nearly half way between the common law of England and what everybody else has called natural law, and not common law, that he could hold to either the one or the other, as he should find expedient.

Dexter maintained that the common law, as to crimes, is in force in the United States.

Chipman says, that the principles of common right are common law.

March the 11th. Conversing with Mrs. Adams on the subject of the writers in the newspapers, I took occasion to mention that I never in my life had, directly or indirectly, written one sentence for a newspaper; which is an absolute truth. She said that Mr. Adams, she believed, had pretty well ceased to meddle in the newspapers, since he closed the pieces on Davila. This is the first direct avowal of that work to be his, though long and universally understood to be so.

March the 14th. Freneau, in Charleston, had the printing of the laws in his paper. He printed a pamphlet of Pinckney's letters on Robbins' case. Pickering has given the printing of the laws to the tory paper of that place, though not of half the circulation. The printing amounted to about one hundred dollars a year.

March the 24th. Mr. Perez Morton of Massachusetts tells me that Thatcher, on his return from the war Congress, declared to him he had been for a declaration of war against France, and many others also; but that on counting noses they found they could not carry it, and therefore did not attempt it.

March the 27th. Judge Breckenridge gives me the following information: He and Mr. Ross were originally very intimate; indeed, he said, he found him keeping a little Latin school, and advised and aided him in the study of law, and brought him forward. After Ross became a Senator, and particularly at the time of the western insurrection, they still were in concert. After the British treaty, Ross, on his return, informed him there was a party in the United States who wanted to overturn the Government, who were in league with France; that France, by a secret article of treaty with Spain was to have Louisiana; and that Great Britain was likely to be our best friend and dependence. On this information, he, Breckenridge, was induced to become an advocate for the British treaty. During this intimacy with Ross, he said, that General Collot, in his journey to the western country, called on him, and he frequently led Breckenridge into conversations on their grievances under the Government, and particularly the western expedition; that he spoke to him of the advantages that country

would have in joining France when she should hold Louisiana; showed him a map he had drawn of that part of the country; pointed out the passes in the mountain, and the facility with which they might hold them against the United States, and with which France could support them from New Orleans. He said, that in these conversations, Collot let himself out with common prudence. He said, Michaud, (to whom I, at the request of Genet, had given a letter of introduction to the Governor of Kentucky as a botanist, which was his real profession,) called on him; that Michaud had a commissary's commission for the expedition, which Genet had planned from that quarter against the Spaniards; that ———, the late Spanish commandant of St. Genevieve, with one Powers, an Englishman, called on him. That from all these circumstances, together with Ross's stories, he did believe that there was a conspiracy to deliver our country, or some part of it at least, to the French; that he made notes of what passed between himself and Collot and the others, and lent them to Mr. Ross, who gave them to the President, by whom they were deposited in the office of the Board of War; that when he complained to Ross of this breach of confidence, he endeavored to get off by compliments on the utility and importance of his notes. They now cooled towards each other; and his opposition to Ross's election as Governor has separated them in truth, though not entirely to appearance.

Doctor Rush tells me, that within a few days he has heard a member of Congress lament our separation from Great Britain, and express his sincere wishes that we were again dependent on her.

December the 25th, 1800. Colonel Hitchburn tells me what Col. Monroe had before told me of, as coming from Hitchburn. He was giving me the characters of persons in Massachusetts. Speaking of Lowell, he said he was, in the beginning of the Revolution, a timid whig, but as soon as he found we were likely to prevail, he became a great office hunter. And in the very breath of speaking of Lowell, he stopped: said he, I will give you a piece of information which I do not venture to speak of to others. There was a Mr. Hale in Massachusetts, a reputable, worthy man, who becoming a little embarrassed in his affairs, I aided him, which made him very friendly to me. He went to Canada on some business. The Governor there took great notice of him. On his return, he took occasion to mention to me that he was authorized by the Governor of Canada to give from three to five thousand guineas each to himself and some others, to induce them, not to do anything to the injury of their country, but to befriend a good connection between England and it. Hitchburn said he would think of it, and asked Hale to come and dine with him tomorrow. After dinner he drew Hale fully out. He

told him he had his doubts, but particularly, that he should not like to be alone in such a business. On that, Hale named to him four others who were to be engaged, two of whom, said Hitchburn, are now dead, and two living. Hitchburn, when he had got all he wanted out of Hale, declined in a friendly way. But he observed those four men, from that moment, to espouse the interests of England in every point and on every occasion. Though he did not name the men to me, yet as the speaking of Lowell was what brought into his head to tell me this anecdote, I concluded he was one. From other circumstances respecting Stephen Higginson, of whom he spoke, I conjectured him to be the other living one.

December the 26th. In another conversation, I mentioned to Colonel Hitchburn, that though he had not named names, I had strongly suspected Higginson to be one of Hale's men. He smiled and said, if I had strongly suspected any man wrongfully from his information, he would undeceive me; that there were no persons he thought more strongly to be suspected himself, than Higginson and Lowell. I considered this as saying they were the men. Higginson is employed in an important business about our navy.

February the 12th, 1801. Edward Livingston tells me, that Bayard applied to-day or last night to

General Samuel Smith, and represented to him the expediency of his coming over to the States who vote for Burr, that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas who confirms it to me. Bayard in like manner tempted Livingston, not by offering any particular office, but by representing to him his, Livingston's, intimacy and connection with Burr; that from him he had everything to expect, if he would come over to him.

To Doctor Linn of New Jersey, they have offered the government of New Jersey. See a paragraph in Martin's Baltimore paper of February the 10th, signed, "A LOOKER ON," stating an intimacy of views between Harper and Burr.

February the 14th. General Armstrong tells me, that Gouverneur Morris, in conversation with him to-day on the scene which is passing, expressed himself thus. "How comes it," said he, "that Burr who is four hundred miles off, (at Albany,) has agents here at work with great activity, while Mr. Jefferson, who is on the spot, does nothing?" This explains the ambiguous conduct of himself and his nephew, Lewis Morris, and that they were holding themselves free for a prize; *i. e.*, some office, either to the uncle or nephew.

February the 16th. See in the Wilmington Mirror of February the 14th, Mr. Bayard's elaborate argument to prove that the common law, as modified by the laws of the respective States at the epoch of the ratification of the Constitution, attached to the courts of the United States.

June the 23d, 1801. Andrew Ellicot tells me, that in a conversation last summer with Major William Jackson of Philadelphia, on the subject of our intercourse with Spain, Jackson said we had managed our affairs badly; that he himself was the author of the papers against the Spanish ministers signed Americanus; that his object was irritation; that he was anxious, if it could have been brought about, to have plunged us in a war with Spain, that the people might have been occupied with that, and not with the conduct of the Administration, and other things they had no business to meddle with.

December the 13th, 1803. The Reverend Mr. Coffin of New England, who is now here soliciting donations for a college in Greene county, in Tennessee, tells me that when he first determined to engage in this enterprise, he wrote a paper recommendatory of the enterprise, which he meant to get signed by clergymen, and a similar one for persons in a civil character, at the head of which he wished Mr. Adams to put his name, he being then President, and the

application going only for his name, and not for a donation. Mr. Adams, after reading the paper and considering, said, "he saw no possibility of continuing the union of the States; that their dissolution must necessarily take place; that he therefore saw no propriety in recommending to New England men to promote a literary institution in the south; that it was in fact giving strength to those who were to be their enemies; and, therefore, he would have nothing to do with it."

December the 31st. After dinner to-day, the pamphlet on the conduct of Colonel Burr being the subject of conversation, Matthew Lyon noticed the insinuations against the republicans at Washington, pending the Presidential election, and expressed his wish that everything was spoken out which was known; that it would then appear on which side there was a bidding for votes, and he declared that John Brown of Rhode Island, urging him to vote for Colonel Burr, used these words: "What is it you want, Colonel Lyon? Is it office, is it money? Only say what you want, and you shall have it."

January the 2d, 1804. Colonel Hitchburn of Massachusetts, reminding me of a letter he had written me from Philadelphia, pending the Presidential election, says he did not therein give the details. That he was in company at Philadelphia with Colonel

Burr and * * * * * * * * * that in the course of the conversation on the election, Colonel Burr said, "we must have a President, and a constitutional one, in some way." "How is it to be done," said Hitchburn; "Mr. Jefferson's friends will not quit him, and his enemies are not strong enough to carry another." "Why," said Burr, "our friends must join the federalists, and give the President." The next morning at breakfast, Colonel Burr repeated nearly the same, saying, "we cannot be without a President, our friends must join the federal vote." "But," said Hitchburn, "we shall then be without a Vice-President; who is to be our Vice President?" Colonel Burr answered, "Mr. Jefferson."

CONVERSATIONS WITH AARON BURR.

January the 26th. Colonel Burr, the Vice-President, calls on me in the evening, having previously asked an opportunity of conversing with me. He began by recapitulating summarily, that he had come to New York a stranger, some years ago; that he found the country in possession of two rich families (the Livingstons and Clintons); that his pursuits were not political, and he meddled not. When the crisis, however, of 1800 came on, they found their influence worn out, and solicited his aid with the people. He lent it without any views of promotion. That his being named as a candidate for Vice-President was unexpected by him. He

acceded to it with a view to promote my fame and advancement, and from a desire to be with me, whose company and conversation had always been fascinating to him. That since, those great families had become hostile to him, and had excited the calumnies which I had seen published. That in this Hamilton had joined, and had even written some of the pieces against him. That his attachment to me had been sincere, and was still unchanged, although many little stories had been carried to him, and he supposed to me also, which he despised; but that attachments must be reciprocal or cease to exist, and therefore he asked if any change had taken place in mine towards him; that he had chosen to have this conversation with myself directly, and not through any intermediate agent. He reminded me of a letter written to him about the time of counting the votes, (say February, 1801,) mentioning that his election had left a chasm in my arrangements; that I had lost him from my list in the Administration, &c. He observed, he believed it would be for the interest of the republican cause for him to retire; that a disadvantageous schism would otherwise take place; but that were he to retire, it would be said he shrunk from the public sentence, which he never would do; that his enemies were using my name to destroy him, and something was necessary from me to prevent and deprive them of that weapon, some mark of favor from me which would declare to the world that he retired with my confidence.

I answered by recapitulating to him what had been my conduct previous to the election of 1800. That I had never interfered directly or indirectly with my friends or any others, to influence the election either for him or myself; that I considered it as my duty to be merely passive, except that in Virginia, I had taken some measures to procure for him the unanimous vote of that State, because I thought any failure there might be imputed to me. That in the election now coming on, I was observing the same conduct, held no councils with anybody respecting it, nor suffered any one to speak to me on the subject, believing it my duty to leave myself to the free discussion of the public; that I do not at this moment know, nor have ever heard, who were to be proposed as candidates for the public choice, except so far as could be gathered from the newspapers. That as to the attack excited against him in the newspapers, I had noticed it but as the passing wind; that I had seen complaints that Cheetham, employed in publishing the laws, should be permitted to eat the public bread and abuse its second officer; that as to this, the publishers of the laws were appointed by the Secretary of the State, without any reference to me; that to make the notice general, it was often given to one republican and one federal printer of the same place; that these federal printers did not in the least intermit their abuse of me, though receiving emoluments from the governments and that I have never thought it proper to interfere for myself,

and consequently not in the case of the Vice-President. That as to the letter he referred to, I remembered it, and believed he had only mistaken the date at which it was written; that I thought it must have been on the first notice of the event of the election of South Carolina; and that I had taken that occasion to mention to him, that I had intended to have proposed to him one of the great offices, if he had not been elected; but that his election in giving him a higher station had deprived me of his aid in the Administration.

The letter alluded to was, in fact, mine to him of December the 15th, 1800. I now went on to explain to him verbally, what I meant by saying I had lost him from my list. That in General Washington's time, it had been signified to him that Mr. Adams, the Vice-President, would be glad of a foreign embassy; that General Washington mentioned it to me, expressed his doubts whether Mr. Adams was a fit character for such an office, and his still greater doubts, indeed his conviction, that it would not be justifiable to send away the person who, in case of his death, was provided by the Constitution to take his place; that it would moreover appear indecent for him to be disposing of the public trusts, in apparently buying off a competitor for the public favor. I concurred with him in the opinion, and, if I recollect rightly, Hamilton, Knox, and Randolph were consulted and gave the same opinions. That when Mr. Adams came to the Administration, in his first

interview with me, he mentioned the necessity of a mission to France, and how desirable it would have been to him if he could have got me to undertake it; but that he conceived it would be wrong in him to send me away, and assigned the same reasons General Washington had done; and therefore, he should appoint Mr. Madison, &c. That I had myself contemplated his (Colonel Burr's) appointment to one of the great offices, in case he was not elected Vice-President; but that as soon as that election was known, I saw it could not be done, for the good reasons which had led General Washington and Mr. Adams to the same conclusion; and therefore, in my first letter to Colonel Burr, after the issue was known, I had mentioned to him that a chasm in my arrangements had been produced by this event. I was thus particular in rectifying the date of this letter, because it gave me an opportunity of explaining the grounds on which it was written, which were, indirectly, an answer to his present hints. He left the matter with me for consideration, and the conversation was turned to indifferent subjects.

I should here notice, that Colonel Burr must have thought that I could swallow strong things in my own favor, when he founded his acquiescence in the nomination as Vice-President, to his desire of promoting my honor, the being with me, whose company and conversation had always been fascinating with him, &c. I had never seen Colonel Burr till he came as a member of Senate. His conduct very

soon inspired me with distrust. I habitually cautioned Mr. Madison against trusting him too much. I saw afterwards, that under General Washington's and Mr. Adams' administrations, whenever a great military appointment or a diplomatic one was to be made, he came post to Philadelphia to show himself, and in fact that he was always at market, if they had wanted him. He was indeed told by Dayton in 1800, he might be Secretary of War; but this bid was too late. His election as Vice-President was then foreseen. With these impressions of Colonel Burr, there never had been an intimacy between us, and but little association. When I destined him for a high appointment, it was out of respect for the favor he had obtained with the republican party, by his extraordinary exertions and successes in the New York election in 1800.

April the 15th, 1806. About a month ago, Colonel Burr called on me, and entered into a conversation, in which he mentioned, that a little before my coming into office, I had written to him a letter intimating that I had destined him for a high employ, had he not been placed by the people in a different one; that he had signified his willingness to resign as Vice-President, to give aid to the Administration in any other place; that he had never asked an office, however; he asked aid of nobody, but could walk on his own legs and take care of himself; that I had always used him with politeness, but nothing more;

that he aided in bringing on the present order of things; that he had supported the administration; and that he could do me much harm; he wished, however, to be on different ground; he was now disengaged from all particular business—willing to engage in something—should be in town some days, if I should have anything to propose to him. I observed to him, that I had always been sensible that he possessed talents which might be employed greatly to the advantage of the public, and that as to myself, I had a confidence that if he were employed, he would use his talents for the public good; but that he must be sensible the public had withdrawn their confidence from him, and that in a government like ours it was necessary to embrace in its administration as great a mass of public confidence as possible, by employing those who had a character with the public, of their own, and not merely a secondary one through the executive. He observed, that if we believed a few newspapers, it might be supposed he had lost the public confidence, but that I knew how easy it was to engage newspapers in anything. I observed, that I did not refer to that kind of evidence of his having lost the public confidence, but to the late Presidential election, when, though in possession of the office of Vice-President, there was not a single voice heard for his retaining it. That as to any harm he could do me, I knew no cause why he should desire it, but, at the same time, I feared no injury which any man

could do me; that I never had done a single act, or been concerned in any transaction, which I feared to have fully laid open, or which could do me any hurt, if truly stated; that I had never done a single thing with a view to my personal interest, or that of any friend, or with any other view than that of the greatest public good; that, therefore, no threat or fear on that head would ever be a motive of action with me. He has continued in town to this time; dined with me this day week, and called on me to take leave two or three days ago.

I did not commit these things to writing at the time, but I do it now, because in a suit between him and Cheetham, he has had a deposition of Mr. Bayard taken, which seems to have no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me, during the pending of the Presidential election in February, 1801, through General Samuel Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answers from me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any answer authorized by me. And this fact General Smith affirms at this moment.

For some matters connected with this, see my notes of February the 12th and 14th, 1801, made at the moment. But the following transactions took place about the same time, that is to say, while the

Presidential election was in suspense in Congress, which, though I did not enter at the time, they made such an impression on my mind, that they are now as fresh, as to their principal circumstances, as if they had happened yesterday. Coming out of the Senate chamber one day, I found Gouverneur Morris on the steps. He stopped me, and began a conversation on the strange and portentous state of things then existing, and went on to observe, that the reasons why the minority of States was so opposed to my being elected, were, that they apprehended that, 1, I would turn all federalists out of office; 2, put down the navy; 3, wipe off the public debt. That I need only to declare, or authorize my friends to declare, that I would not take these steps, and instantly the event of the election would be fixed. I told him, that I should leave the world to judge of the course I meant to pursue by that which I had pursued hitherto, believing it to be my duty to be passive and silent during the present scene; that I should certainly make no terms; should never go into the office of President by capitulation, nor with my hands tied by any conditions which should hinder me from pursuing the measures which I should deem for the public good. It was understood that Gouverneur Morris had entirely the direction of the vote of Lewis Morris of Vermont, who, by coming over to Matthew Lyon, would have added another vote, and decided the election. About the same time, I called on Mr. Adams. We

conversed on the state of things. I observed to him, that a very dangerous experiment was then in contemplation, to defeat the Presidential election by an act of Congress declaring the right of the Senate to name a President of the Senate, to devolve on him the government during any interregnum; that such a measure would probably produce resistance by force, and incalculable consequences, which it would be in his power to prevent by negativing such an act. He seemed to think such an act justifiable, and observed, it was in my power to fix the election by a word in an instant, by declaring I would not turn out the federal officers, nor put down the navy, nor spunge the national debt. Finding his mind made up as to the usurpation of the government by the President of the Senate, I urged it no further, observed the world must judge as to myself of the future by the past, and turned the conversation to something else. About the same time, Dwight Foster of Massachusetts called on me in my room one night, and went into a very long conversation on the state of affairs, the drift of which was to let me understand, that the fears above mentioned were the only obstacle to my election, to all of which I avoided giving any answer the one way or the other. From this moment he became most bitterly and personally opposed to me, and so has ever continued. I do not recollect that I ever had any particular conversation with General Samuel Smith on this subject. Very possibly I had,

however, as the general subject and all its parts were the constant themes of conversation in the private tête-à-têtes with our friends. But certain I am, that neither he nor any other republican ever uttered the most distant hint to me about submitting to any conditions, or giving any assurances to anybody, and still more certainly, was neither he nor any other person ever authorized by me to say what I would or would not do. * * *

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CABINET MEETINGS.

April the 25th. Present all the members of the Cabinet. All the articles of a treaty in *maximo* and *minimo*, were agreed to without a single dissent on any article, the former instructions of Monroe were made the ground work.

It was proposed to consider whether any measures should be taken under the act for detaching 100,000 militia. It was agreed not on the following grounds: 1. It would spread considerable alarm through the country. 2. If New Orleans (the only place to which danger is apprehended) be really attacked, succor from this act is doubtful, if not desperate. 3. The language of Spain is entirely pacific according to the last letters from Erving.[1] 4. Were she disposed to send troops across the Atlantic, she could not do it in the present posture of things on the ocean. 5. At Havana they have scarcely any

[1] G. W. Erving was secretary of Legation to Spain at that time.

troops—certainly none to spare, at Pensacola and Mobile about 600. Baton Rouge 170. 6. In New Orleans we have 200, and in the vicinities which may be drawn there in a few days 1,000 more. The militia of New Orleans may be counted on from 500 to 1,000, and the seamen about as many more: so that an effective force of about 3,000 may be relied on. We conclude therefore to adopt the following measures:

1. The gunboats (eight in number) up the Ohio not being ready, order the two bomb vessels and two gunboats built by Commodore Preble to proceed immediately to Charleston, there take gunboat No. 1 and go on, the three gunboats to Lake Pontchartrain and the two Bombs to New Orleans where the men and stores for them have been some time arrived. The rest of the gunboats from the Mediterranean being daily expected at Charleston or Savanna, if they arrive before those from the Ohio come down, order No. 4 to New Orleans, because we consider six for the Mississippi and three for the lakes sufficient, and when the Ohio boats come down the surplus may be brought off to the Atlantic ports. The gunboats are depended on to guard the passage through the lakes from the quarter of Mobile, to guard the entrance of the mouth of the river from the sea, and to guard the crossing of it at the Acadian settlement should troops approach from Nacogdoches and westward across the Chataleya along the road to the Acadian settlement.

2. Block houses and other defensive works are immediately to be prepared on the neck of the land along which the approach lays from Baton Rouge and Manshac; at Fort St. Jean, and the most advantageous defiles on the approaches from the Eastward; the troops remaining in the vicinities as at present on account of their health.

3. The militia of New Orleans, Tombigbee, and Natchez to be kept in readiness, those of New Orleans for its own defense, those of Tombigbee to seize Mobile or Pensacola if their garrisons be drawn off to New Orleans, or to follow on their rear; and those of Natchez to take Baton Rouge, if the garrison be drawn, or to follow and cut off their retreat.

There was no dissent to any article of this plan.

May the 1st. Present the four Heads of Departments. A letter from the mayor of New York complaining of the murder lately committed, and the trespasses by the Leander, Cambrian and Driver, and asking for a naval force, also the depositions of Pierce and ———. It was considered that the laws had made an establishment of 900 men for the navy in peace, with power to employ them in any vessels we thought proper; that these might man three frigates, that if it would have been thought proper with three frigates to attack and drive off these three British vessels, yet that two of the three were absent in the Mediterranean, and the third hove down; the latter not to be in readiness under

a month, and one of the former not possible to be called home under five months, that for so distant and uncertain effect the defense of our commerce in the Mediterranean ought not to be abandoned, that our gunboats were not as yet in place to be stationed in New York and that therefore no force of either of these descriptions were within our power. It was thought proper therefore to recommend a regular prosecution of the murder[1] by the state courts of New York or New Jersey if within their jurisdiction, or, if out of it, then by the district court of the United States, and to issue a proclamation for apprehending Henry (?) Whitby, commander of the Leander, for the murder, requiring the three vessels to depart, and interdicting them and all other vessels commanded by the present captains of the Cambrian and Driver from the harbors and waters of the United States, and on their failure to depart, or reentering them, to prohibit all intercourse, see the proclamation which was communicated and approved by each of the gentlemen. In all this there was no difference of opinion except that General Dearborne thought we might hold out some promise of naval defense to New York.

On the prosecution of Ogden and Smith for participating in Miranda's expedition the defense and their friends having contrived to make it a government question, in which they mean to have the

[1] A man on a sloop had been killed by a shot fired from the cruiser Leander.

Administration and judge tried as the culprits instead of themselves, Swartwout, the marshal, to whom, in his duel with Clinton, Smith was second, and is bosom friend, summoned a panel of jurors, the greater part of which were of the bitterest federalists, his letter, too, covering to a friend a copy of Aristides and affirming that every fact in it was true as holy writ. Determined unanimously that he be removed.

July the 11th. Consultation with the Secretary of the Navy, nine gunboats built in the United States, and two gunboats bought in the Mediterranean, with two Bombs built in the United States, and two Bombs bought in the Mediterranean, and three of our brigs, etc., are daily expected to arrive from the Mediterranean, two of the brigs to come here, and all the other vessels to Charleston. As everything at New Orleans is now quiet, and therefore not pressing we conclude to depend on the eight gunboats built in the Ohio to be in New Orleans in time, and to join to these by an immediate order one of Preble's gunboats, and one of his bombs, this will make up the nine Gunboats agreed on April 25th for the Mississippi and Pontchartrain, with the addition of the bomb, two of the gunboats at Charleston, three shall remain there, three others of them + No 1 (not fit for that place) shall go to Norfolk, six others of them + the other of Preble's gunboats shall go to New York, one boat only how-

ever is to be kept manned at each place, the rest to be hauled up. Preble's other Bomb, the four bombs from the Mediterranean, and all the other brigs, etc., from the Mediterranean to come here to be laid out.

July the 19th. Consultation with the Heads of Departments. An armed vessel at Norfolk fitting out by Cooper to cruise as a Spanish or French privateer to be seized and placed under a course of law, she is complained of by Mr. Merry.[1] Officer to be indemnified. Yrujo—agreed to do nothing as yet. Mr. Madison seemed of a different opinion.

One gunboat to be kept in service at Charleston and to act against privateers under former instructions, if the appropriation will afford it.

The frigate under Campbell in the Mediterranean to remain there till next spring.

Here General Dearborne was called away.

Swartwout, if the case versus Ogden and Smith is determined at the present session he is to be removed immediately, if it lies over to another term let him remain to another.

October the 22nd. Present the four Heads of Departments. The Spaniards have moved to Bayou Pierre a body of 1,000 or 1,200 men, mostly militia, mounted, and 300 regulars are expected to join them. Our regular force in the Mississippi and Orleans

[1] Merry was the name of the British Minister.

territories is 631 men at Natchitoches and ordered there from Fort Adams, 210. At New Orleans, 240 new recruits arrived or arriving at Orleans, making in all 1,081, besides 130 at Tombigby. Two gunboats are at New Orleans (from Ohio) six more daily expected from the same quarter. Two others and two bomb vessels from Boston are arriving there about this time, and General Wilkinson asks 500 mounted men to secure his operations if forced to act hostilely, the acting governor of Mississippi offers 250 volunteers for service on the west side of the Mississippi, and 500 if employed on the east side; the Governor of Orleans counts on 500 militia from the western countries of his territories. Agreed unanimously to require from those two territories 500 volunteers mounted on their own horses, engaged to serve six months, and to be in readiness when called for by the commanding officer of the regulars. This under the law of the last session for calling out a detachment of militia, and further that the marines at New Orleans shall do garrison duty there, so that the 210 men at that place may be moved up to Natchitoches, the gunboats to be under the orders of the commanding officer.

During the last session of Congress, Colonel Burr who was here, finding no hope of being employed in any department of the Government opened himself confidentially to some persons on whom he thought he could rely, on a scheme of separating the Western from the Atlantic States, and erecting

the former into an independent confederacy; he had before made a tour of those states, which had excited suspicions, as every motion does of such a Catalinarian character; of his having made this proposition here we have information from General Eaton, through Mr. Ely and Mr. Granger; he went off this spring to the western country. Of his movements on his way information has come to the Secretary of State and myself from John Nicholson and Mr. Williams of the State of New Jersey, respecting a Mr. Tyler, Colonel Morgan, Nevill and Roberts near Pittsburg, and to other citizens through other channels and the newspapers. We are of opinion unanimously that confidential letters be written to the Governors of Ohio, Indiana, Mississippi and Orleans, to the district attorney of Kentucky, ——— of Tennessee, ——— of Louisiana, to have him strictly watched and on his committing any overt act unequivocally, to have him arrested and tried for treason, misdemeanor, or whatever other offense the act may amount to. And in like manner to arrest and try any of his followers committing acts against the laws. We think it proper also to order some of the gunboats up to Fort Adams to stop by force any passage of suspicious persons going down in force.

General Wilkinson being expressly declared by Burr to Eaton to be engaged with him in this design as his lieutenant or first in command, and suspicions of infidelity in Wilkinson being now become

very general, a question is proposed what is proper to be done as to him on this account as well as for his disobedience of orders received by him June 11th, at St. Louis, to descend with all practicable despatch to New Orleans to mark out the site of certain defensive works there, and then repair to take command at Natchitoches, on which business he did not leave St. Louis till Sept.—— . Consideration adjourned.

October the 24th. It is agreed unanimously to call for Captains Preble and Decatur to repair to New Orleans by land or sea as they please, there to take command of the forces on the water, and that the Argus, and two gunboats from New York, three from Norfolk and two from Charleston shall be ordered there, if on a consultation between Mr. Gallatin and Mr. Smith the appropriations shall be found to enable us. That Preble shall, on consultation with Governor Claiborne have great discretionary powers. That Graham shall be sent through Kentucky on Burr's trail, with discretionary powers to consult with the Governors, and to arrest Burr if he has made himself liable. He is to have a commission of Governor of Louisiana, and Doctor Browne is to be removed, letters are to be written by post to Governor Claiborne, the Governor of Mississippi and Colonel Freeman to be on their guard against any surprise of our ports or vessels by him. The question as to General Wilkinson

postponed till Preble's departure, for further information.

October the 25th. A mail arrived yesterday from the Westward, and not one word is heard from that quarter of any movements by Colonel Burr. This total silence of the officers of the Government, of the members of Congress, of the newspapers, proves he is committing no overt act against law. We therefore rescind the determination to send Preble, Decatur, the Argus or the gunboats, and instead of them send off the marines, which are here to reinforce or take the place of the garrison at New Orleans with a view to Spanish operations, and instead of writing to the Governors, etc., we send Graham on that rout with confidential authority to enquire into Burr's movements, put the Governors, etc., on their guard, to provide for his arrest if necessary, and to take on himself the Government of Louisiana. Letters are still to be written to Claiborne, Freeman, and the Governor of Mississippi to be on their guard.

November the 8th. Present the four Heads of Departments, agreed on instructions to General Wilkinson, which see.

November the 25th. Present at first the four Heads of Departments, but after a while General Dearborne withdrew, unwell. Dispatches from Gen-

eral Wilkinson to myself of October 21st by a confidential officer (Lt. Smith) show that overtures have been made to him which decide that the present object of the combination[1] is an expedition by sea against Vera Cruz: and by comparing the contents of a letter from Cowles Meade to the Secretary of State, with the information from Lt. Smith that a Mr. Swartwout from New York, brother of the late Marshal, had been at General Wilkinson's camp, we are satisfied that Swartwout has been the agent through whom overtures have been made to Wilkinson. We came to the following determination: that a proclamation be issued (see it) and that orders go as follows to Pittsburg, if we have a military officer there, write to him to be vigilant in order to discover whether there are any preparations making, or boats or arms or other military stores or means providing by any persons against whom there is reasonable ground to suspect that they have in contemplation a military enterprise against any of the territories of Spain (contrary to the Stat. June 5, 94. c. 50), and to stop all bodies of armed men who may be assembled to descend the Ohio under circumstances and appearances so different from those of common emigrants as to induce a reasonable suspicion that they are a part of a combination of persons believed to have such an enterprise in view, to have them bound to the observance of the peace and good

[1] Referring to Aaron Burr's "Conspiracy," for which he was tried in 1807, and acquitted after a long trial.

behavior, or put in a course of legal prosecution, according to the strength of the evidence; and for this purpose to call in the aid of the militia;—if we have no officer there, then write to General Nevill. —Marietta. Mr. Gallatin is to write to the Collector to proceed to seize the gunboats building in that neighborhood and suspected to be destined for this enterprise, and to call in the aid of the militia. General Dearborne to write to Governor Tiffin to furnish a guard of militia, sufficient for the detention of the boats, and to write to General Jackson, supposed to be the General of the Brigade on the Virginia side of the river, to furnish any aid of militia which may be necessary from the left bank of the river. —Louisville. General Dearborne to write to the Governor of Kentucky of the same tenor as to the officer at Pittsburg. —Massac. General Dearborne to give orders to Captain Bissel of the same tenor, and particularly to stop armed vessels suspected on good grounds to be proceeding on this enterprise and for this purpose to have in readiness any boats he can procure, fitted for enabling him to arrest their passage. —Chickasaw Bluffs. Give same orders as to Bissel. —Fort Adams. Give same orders as to Bissel. —New Orleans. General Wilkinson to direct the stations of the armed vessels, and if the arrangements with the Spaniards will permit him to withdraw, let him dispose of his force as he thinks best to prevent any such expedition, or any attempt on New Orleans, or any of the

posts or military stores of the United States. (He is also to arrest persons coming to his camp and proposing a concurrence in any such enterprise, or suspected of being in camp with a view to propagate such propositions), this addition is made by General Dearborne with my approbation.

December the 15th. See a message agreed on unanimously to furnish money for distressed French —not sent; Turreau withdrawing request.

December the 16th. Present the four Heads of Departments, being informed that the Cambrian, one of the vessels proscribed by the proclamation of May last, is in Hampton road, we agreed to issue the proclamation, which see, dated December 20th, to write to Generals Matthews and Wells to furnish militia for cutting off supplies, and to order the revenue cutters and boats, and the gunboats at Norfolk under Captain Decatur to attend to the same: but first to inform Mr. Erskine[1] of what is to be done, and detain our orders some days to give time for the effect of his interference. The papers were to have gone off on the 20th, but that morning he informed Mr. Madison the Cambrian was gone—so our orders and proclamation were suppressed, see the draught of the proclamation.

December the 19th. Present the Heads of Departments (except Mr. Gallatin). See an unfin-

[1] Baron Erskine (David Montague) was British Minister to the United States, 1806–1810.

ished letter of December 20th to Governor Claiborne, containing the sum of the orders agreed to be sent.

February the 2nd, 1807. Present the Heads of Departments and Attorney General, letters having been received from our Ministers in London of November 11th, informing that they were likely to settle satisfactorily the great points of colonial commerce (indirect) blockade, jurisdiction, commerce on footing *gentis amicissimae*. East India the same, on that of Jay's treaty, but that the right of taking their seamen out of our vessels at sea (which in its exercise took ours also) would not be given up by treaty though moderated in practice, and that our commanders meant to conclude such an one, I propose these questions.

1. Shall we agree to any treaty yielding the principle of our non-importing act, and not securing us against impressments? Unanimously not. Because it would be yielding the only peaceable instrument for coercing all our rights. The points they yield are all matters of right. They are points which Bonaparte and Alexander will concur in settling at the treaty of peace, and probably in more latitude than Great Britain would now yield them to us, and our treaty would place on worse ground as to them than will be settled for Europe. The moment is favorable for making a stand and they will probably yield and the more probably as their negotiators had agreed to an article that they would not impress

on the high seas, or in any other than their own ports; which had once before been agreed to with Mr. King,[1] but retracted in both cases. We had better have no treaty than a bad one. It will not restore friendship, but keep us in a state of constant irritation.

2. Shall we draw off in hostile attitude, or agree formally that there shall be an understanding between us that we will act in practice on the very principles proposed by the treaty (except as to the East India commerce), they defining what breaks the continuity of a voyage, blockades, jurisdiction, etc., and we agreeing to recommend to Congress to continue the supervision of the non-importing?—the last mode decided unanimously.

Art. 3. Shall we consult the Senate? unanimously not, had the first question been decided affirmatively their advice should have been asked. Mr. Madison was not satisfied whether we ought not to propose giving up the right of employing their seamen at all in our vessels, and making it penal on our commanders, as an inducement to them to give up impressment and trust to the effect of such a law for securing to them the use of all their seamen, our commanders are to be immediately instructed to adhere to their original instructions which made the impressment a *sine qua non.*

February the 27th. Present Madison, Dearborne, Smith, Rodney, agreed to discharge all the militia

[1] Rufus King was Minister to England 1796 to 1804.

at the stations from the mouth of Cumberland upwards, to give up all boats and provisions seized (except Blannerhasset's) or pay the value, applying them in that case to public use; to institute an inquiry into the proceedings of Burr and his adherents from New York to New Orleans, and particularly to appoint good men at the following points: Pittsburg, Marietta, Wood County, Cincinnati, Louisville, Nashville, Vincennes, St. Louis, Natchez, New Orleans, Statesburg, City of Washington, Philadelphia, New York, and other points in that State, to take affidavits. The Attorney General to prepare interrogatories, the vessels in the Mediterranean to be relieved, the Act for 30,000 volunteers, to be committed to Governors of Western States for execution.

The Arkansa to be explored.

March the 17th. Present all. British treaty—agreed that the article against impressment shall be a *sine qua non* according to our instrument of February 3rd. So also the withdrawing the declaration respecting the French decree of blockade or the modifying it so as not to affect the treaty, and as the treaty is opened for these purposes, endeavor to alter the following articles, 1. East India trade, restore Jay's articles. 2. Keep the one now in. 3. Expunge it, but on this head we are to enquire of merchants before we send the instrument. Art. 8. Avoid if possible the express abandonment of free

ships free goods. Art. 10. Have blockade defined according to the British note formerly received. Art. 17. Expunge, stipulation to receive their vessels of war, and especially the humiliating stipulation to treat their officers with respect, reserve the right to indemnifications—absolutely forbid the proposed Convention for giving them a right to trade with the Indians of Louisiana. Art. 5. Tonnage, etc., consult with merchants.

A circular letter to the Governors, etc., for carrying the volunteer act in execution was agreed on.

Persons were named for conducting enquiries into Burr's treasons, etc., and his associates, and Newark and Trenton in Jersey, and Newport in Kentucky were added.

It was agreed that the seamen employed at New Orleans were to be considered and paid as militia at militia prices, and that the surplus pay stipulated to them should be paid out of the Navy funds.

April the 3rd. Present the four Heads of Departments. Agreed to propose to Great Britain not to employ any of her seamen on her stipulating not to impress from our ships, to endeavor to make the article for indirect colonial commerce coextensive in time with the duration of the treaty, agreed also to admit them under the former treaty to pay no more duty on Indian goods imported by the lakes than we take from our own people, on obtaining from them an acknowledgement of our right to extend

the regulation, of Indian commerce within our limits to their traders as well as our own, as is the case with commerce in general in Atlantic States.

The enquiry into Burr's conspiracy to be begun by the Attorney General immediately.

July the 2nd. Present all the Heads of Department and Attorney General. The Proclamation of this day unanimously agreed to.[1]

A copy of the proclamation to be enclosed to the Governors.

Recall all our vessels from the Mediterranean, by a vessel to be sent express.

Send the Revenge to England, with despatches to our Minister, demanding satisfaction for the attack on the Chesapeake, in which must be included. 1. A disavowal of the Act and of the principle of searching a public armed vessel. 2. A restoration of the men taken. 3. A recall of Admiral Barclay. Communicate the incident which has happened to Russia. Orders had been already issued for a court of enquiry on Barron. The vessels recalled from the Mediterranean are to come to Boston. When may be further orders.

July the 4th. Present the same. Agreed that a call of Congress shall issue the fourth Monday of August (24th) to meet the fourth Monday in Octo-

[1] Which was to the effect that all armed English ships leave the United States' ports. This proclamation was provoked by the Chesapeake-Leopard affair.

ber (26th) unless new occurrences should render an earlier call necessary. Mr. Smith wished an earlier call.

July the 5th. Present the same. It was agreed to call on the Governors of the States to have their quotas of 100,000 militia in readiness. The object is to have the portions on the sea-coast ready for any emergency, and for those in the North we may look to a winter expedition against Canada.

July the 7th. Present the Secretaries of State and Navy and Attorney General. Agreed to desire Governor of Virginia to order such portion of Militia into actual service as may be necessary for defense of Norfolk, and of the gunboats at Hampton and in Matthews County.

July the 26th. Norfolk. Agreed that all the militia at this place, and on both sides of the James river be dismissed, except: 1. An artillery company to serve the spare guns at Norfolk, and to be trained to their management. 2. A troop of cavalry to patrole the country in the vicinity of the squadron, as well to cut off their supplies as to give notice of any sudden danger: to meet which the militia of the borough and neighboring counties must hold themselves in readiness to march at a moment's warning, a major to command the two companies of artillery and cavalry. Offensive measures.

Prepare all necessaries for an attack of Upper

Canada and the upper part of Lower Canada, as far as the mouth of Richlieu river.

Prepare also to take possession of the islands of Campobello, etc., in the bay of Passamaquoddy.

The points of attack in Canada to be—1. Detroit, 2. Niagara, 3. Kingston, 4. Montreal.

1. Detroit.	300	militia of Michigan.
	1000	" from the State of Ohio.
	100	regulars from forts Detroit, Fort Wayne.
	1400	
2. Niagara.	1500	militia from Pennsylvania and Genesee.
		One artillery company of regulars from Niagara.
	1500	
3. Kingston.	1500	militia from New York.
	1500	
4. Montreal.	1500	militia from New York.
	2000	" Vermont.
	1000	" Massachusetts.
	1000	" New Hampshire.
	5500	
5. Campobello.	500	militia from Maine.
	10,300	militia.

General Officers for the attack on

Detroit,—General Hull.

Niagara.

Kingston,—Gansevoort.

Montreal.

Campobello,—Colonel Trescott, or Brigadier-General Chandler.

It is understood that everything which is not already in the neighborhood of the places can be got and carried as fast as the men can be collected and marched, except provisions to Detroit.

Half tents and travelling carriages for artillery to be made.

Measures to be taken for obtaining information from:

Detroit through General Hull.

Niagara—Erastus Granger.

Kingston.

Montreal—Saillée.

Quebec.

Halifax—some person to be covered under a commission for.

Some merchant who may have a vessel there under adjudication.

The Secretary at War to recommend to the Governors to press for twelve month *volunteers under the last* act, rather than six months.

The same under the former.

July the 27th. Defensive measures.

The places needing defense divided into three classes.

1.—Where batteries only need be provided to be guarded in common by a few men only and to be manned, when necessary, by militia.

2.—Places which from their importance, require some stronger defense, but which from the forts

already built, the difficulty of access and the strength of their adjacent population need only repairs, some inconsiderable additions to their works and garrisons.

3.—Places which from their importance, and ease of access by land or water may be objects of attack and which from the weakness of their population, difficulties of defense, etc., will need particular attention and provision, in distributing the sea ports into these classes their importance so far as depends on their tonnage, collection of import, exports domestic and foreign may be obtained from a table prepared by the Secretary of the Treasury which see.

1st class may be taken from that table readily—perhaps some places not in that may require some defense.

2nd class.

Portsmouth, N. H.
Newburyport
Salem
Boston
Providence
New London
Saybrook
New Haven
Philadelphia
Wilmington, Del.
Baltimore
James River
Ocracoke
Wilmington, N. C.
Charleston

On each of these we conferred, successively, and came so far to a general understanding of the nature and extent of the works, and number of gunboats necessary for their defense, as might enable the Secretary of War to make out a detailed statement for each, for future consideration, estimating the expense of works, number of men, and number of gunboats necessary for each.

3rd class.

Portland
Newport
New York
Alexandria and
Washington
Norfolk
Savanna
New Orleans

} On these also successively, conferences took place so as to enable the Secretary of War to make a similar statement as to them.

July the 28th. The existing appropriations for fortifications being not more sufficient for New York, Charleston, and New Orleans, it is thought best to employ them entirely on those places, and leave the others till further appropriations.

It is thought that the Secretary of the Navy should purchase on credit timber and other materials for a great number of gunboats, suppose 100, but that they should chiefly be of those kinds which may be useful for the Navy should Congress not authorize the building gunboats.

Also that he should purchase on credit 500 tons of saltpetre and 100 tons of sulphur on the presumption that Congress will sanction it.

Our stock of swords, pistols and mortars being not sufficient, the Secretary at War will take measures for procuring a supply of the two former articles and will keep Troxall constantly employed in making mortars until a sufficient stock be provided.

The Secretary of the Navy will take immediate measures for procuring from London 100 telescopes of about ten guinea price for the establishment of telegraphs.

It is agreed that about 15,000 regular troops will be requisite for garrisons and about as many more as a disposable force, making in the whole 30,000 regulars.

It is also recommended to the Secretary of the Navy to recruit the whole number of marines allowed by law, to wit, about 1100, principally for the service of the gunboats. On the question, Under what circumstances I may order Decatur to attack the British vessels in our waters? it is the opinion that if they should blockade any place, preventing vessels from entering or going out or proceed systematically in taking our vessels within our waters, that the gunboats should attack them if they can do it with a good prospect of success. But Decatur is not to do this without orders from me. Should they attack Norfolk or enter Elizabeth river Decatur may attack them without waiting orders.

In endeavoring to obtain information of the state of the British posts to be attacked the following will be proper objects of enquiry:

1. The regular force.

2. The force of the militia they may command and the temper and disposition of the people, and whether armed.

3. The character of the commanding officer,

4. The situation of the port, whether in good repair—if requiring regular approaches—the situation of their magazines, etc.

5. Plans of the works, maps of the roads, what are the obstacles to the March of troops, etc.

It is agreed that Congress shall be called to meet on Monday the 26th of October and that we will assemble here on Monday the 5th of October, the proclamation to issue immediately.

Mr. Gallatin's Estimate.

	D.	D.
30,000 men employed ashore and in gunboats @ 300		9,000,000
Navy	1,500,000	
Occasional militia	1,000,000	
Ordnance, transports, fortifications	1,500,000	
		4,000,000
Interest on public debt		3,500,000
All civil expenses		1,500,000
		18,000,000

Ways and Means.

Present impost reduced by war to	8,000,000	
Additional duties and taxes	2,500,000	
Sales of lands	500,000	
Deficiency to be supplied by annual loan	7,000,000	
		18,000,000

Besides which we must borrow annually the installments of public debt becoming due that year.

October the 10th. Present the four Secretaries. Agreed unanimously that in consideration of information received as to the strength of the British posts in Canada, 3,000 men (instead of 1500) must be ordered against Niagara and 500 only, instead of 1500 against Kingston. That in the message at the opening of Congress the treaty and negotiations should not be laid before them, because still depending.

October the 22nd. Present all. The Constitution is to remain at Boston, having her men discharged: the Wasp is to come to New York; the Chesapeake is to remain at Norfolk; and the sending the United States frigate to New York is reserved for further consideration, enquiring in the meantime how early she should be ready to go—it is considered that in case of war, these frigates would serve as receptacles for enlisting seamen to fill the gunboats occasionally.

After agreeing as above, proceeding to consider how the crew of the Constitution should be paid off (the Navy funds being exhausted) before the meeting of Congress, it was concluded that in order to gain time till their meeting, the Constitution should be brought round to New York, and the United States be destined for Boston.

(October) the 31st. Gunboats to be stationed at New York, seventeen at Norfolk, three at Charleston, fifteen at New Orleans and eight building in Western country. They are to have eight men for the guns, three sailors for the sails, and to depend on militia of the place for the rest, a captain for each flotilla.

November the 27th. Present all. Governor Hull writes from Detroit November 8th, that he has called on the Governor of Ohio for 500 militia infantry and a company of horse, in consequence of

a collection of Indians, kept at Amherstburg and other indications of war. General Dearborne having before directed Hull to strengthen his garrison (of 50 regulars) by calling into service three companies of militia of the place, thought it would be sufficient if we ordered three or four companies more from Ohio. The other gentlemen thought we had better let Hull's call take its course, being attentive the moment we receive intelligence from England to modify it accordingly.

Agreed that an order shall be inclosed to Governor Claiborne to remove by military force intruders on the Batture under the act of the last session of Congress.

Information being received that great numbers of intruders have set down on the lands lately obtained from the Chickasaws and Cherokees, and particularly within the Yazoo tract and some also within the Cherokee lines, the Secretary at War is to give immediate orders for removing them by military force.

January the 25th 1808. Mr. Dawson called on me and informed me that yesterday he was called on by a Mr. Hall, a native of the United States but a British subject engaged in commerce here who told him he had had a vessel condemned at Halifax and was going to England to prosecute the appeal. That being acquainted with Mr. Erskine, and known

also to Mr. Rose since his arrival, he had informed them, and they had desired him to be the bearer of their dispatches which would be ready on the 27th. These dispatches he said would be delivered to him in a box, would contain all their communications to their Government, consequently their operations here intrigues, spies, friends, information, their own views, prospects and designs. That he believed his appeal would cost him as much as he should recover, that he was now a ruined man, had been cruelly treated by England, therefore wished to quit that country and become an American. That for a proper reward (he did not say what) he would take the papers out of the box which should be delivered him, deliver them to us, fill the box with blank papers, return to New York and making some excuse for not going he would send the box to its address. He said we should be on our guard for that those Ministers had many spies in Washington and one in the President's house who informed them of everything passing. This man is known to have been much attended to by Erskine, to have been at his parties, at those of Taylor, etc.

My answer to Mr. Dawson was that the Government would never be concerned in any transactions of that character; that moral duties were as obligatory on nations as on individuals, that even in point of interest a character of good faith was of as much value to a nation as an individual and was that by which it would gain most in the long run. That

however, he might assure Hall that we would keep his secret. Mr. Dawson had consulted with Mr. Nicholas on this communication, and after I had given him the above answer I mentioned it to Mr. Madison who approved of it.

CABINET MEETINGS.

April the 5th. Present the four Secretaries. Having now 100 gunboats building and about 70 in service, we agreed that 20 should be stationed at New Orleans with 20 men in each, about half a dozen to be kept in different places for enforcing the embargo with eight or ten men each. Of the residue, keep on the stocks as many as we can by agreement, for preservation, and to all the rest allow two men each. Let the frigates and sloop remain where they are with about 20 or 30 men each to keep them clean, which will reduce the number of seamen to less than 900. The original establishment, as the law on which the proclamation is founded expires with the end of this session, it is rather believed that its renewal would not renew the proclamation; and as it would be disagreeable either to renew or revoke it, we conclude to let it go off in that doubtful way which may afford a reason for not proceeding to actual hostilities against British armed vessels entering our waters. We agree to renew the call for 100,000 Militia and Volunteers.

June the 30th. Present the four Secretaries and Attorney General. 96 applications for permission to send vessels out for property. Agreed as general rules: 1. That no permission shall be granted after the —— of ——. 2. None to Europe, because of the danger of the capture or detention of the vessels and money can be drawn thence so easily by bills, and to such advantage by the favorable exchange. 3. None to Asia, or the Continent of Africa, except Mogadore. 4. None to South America beyond the line. From such distances, vessels could not return before war may take place. Agreed to continue the regulation of Mr. Gallatin's circular of May 20th, except that it may be relaxed as to vessels usually employed in the coasting trade. This has a special view to the relief of North Carolina, that her corn and lumber may be sent coastwise. The Chesapeake being manned may be sent on a cruise from St. Mary's to Passamaquoddy. Two gunboats are to be built on Lake Champlain, and one on Lake Ontario—as many as convenient of the troops now raising are to be rendezvoused along Lake Ontario and the St. Lawrence, a copy of the Attorney General's opinion on the Mandamus issued to Theus in South Carolina to be sent to the districts Attorney with instructions to oppose all future attempts of the kind, and Theus to be reprimanded for his countenance to the procedure.—We are agreed that a mission to St. Petersburg is expedient; the time not now decided.

July the 6th. Present the four Secretaries and Attorney General. 1. England revokes her orders of November and January. Shall we suspend the embargo laws as to her? Answer unanimously, we shall. 2. If she revokes the order of November alone? Answer, we shall suspend, the Attorney General alone dissenting. 3. If she revokes the order of November as to our own produce only? Answer unanimously, not to suspend, but in that case to call Congress at an earlier day? If France repeals her Berlin and Milan decrees, and restores the property sequestered, shall we suspend the embargo laws as to her? Answer, call Congress and declare the embargo laws as to France suspended in fourteen days. Mr. Madison is strongly opposed to this latter part; the suspension, because it lets our vessels fall into the hands of England and so pre-determines the question of war. If the embargo is suspended as to one of the powers, it must be so as to the whole world except the other power and all other nations having similar decrees or orders existing against us.

October the 22nd. Present the four Secretaries. Intruders on the new purchase south of Tennessee, two on the Indian lands (Choctaw and Cherokee) on each side of that purchase, three on the north side of Red river. Agreed unanimously as to the first to appoint a Register and he to give notice to all the intruders to come in and make a declaration

that they have no claim to the lands, and that a military be sent in the spring to remove all who do not. There is a Colonel Harrison claiming and surveying under Coxe, who probably will not disclaim right, and will therefore be removable without disturbing the others, who are said to be industrious men of property and disposed to obey the laws. The land office can be opened in the spring which will settle everything.

2. As to intruders on the Indian lands, give notice to depart, and if they do not, remove them in the spring by military force, except from Doublehead's land.

3. As to those on Red river, let them alone and get Congress to extend the land law to them, as they are conveniently situated to support New Orleans. Unanimously agreed to. Order the detachment of 100,000 men under the law of last session, to be ready early in the spring that we may be prepared for any change in our foreign relations.

Unanimously agreed in the sentiments which should be unauthoritatively expressed by our agents to influential persons in Cuba and Mexico, to wit, "if you remain under the dominion of the kingdom and family of Spain, we are contented; but we should be extremely unwilling to see you pass under the dominion or ascendancy of France or England. In the latter cases should you choose to declare independence, we cannot now commit ourselves by saying we would make common cause with you but

must reserve ourselves to act according to the then existing circumstances, but in our proceedings we shall be influenced by friendship to you, by a firm belief that our interests are intimately connected, and by the strongest repugnance to see you under subordination to either France or England, either politically or commercially?" Anderson, our Consul going to Havana is to be instructed accordingly; so is Hughes who is going to Mexico in quest of Pike's men,[1] and Burling is to be sent to the city of Mexico under pretext of searching for Pike's men also, but in truth to communicate these sentiments to proper characters. Claiborne is to be entrusted with them also, to communicate according to the occasions he may find.

CONVERSATION WITH THE BRITISH MINISTER.

November the 9th. Conversation with Mr. Erskine. He was much alarmed at the conversation out of door looking like a declaration of war with Great Britain.

He spoke (declaring that if he was an American he would so view the thing) as the most rational for us to let our commerce go out and take its chance and that we should defend it against all equally, in-

[1] Captain Zebulon Montgomery Pike was sent on a geographical expedition to Louisiana in 1806. He and his party were arrested by a detachment of Spanish cavalry for trespassing on Spanish territory, and were carried to Santa Fé. After a long examination and the seizure of his papers he was escorted home, arriving at Natchitoches, July 1, 1807.

deed he seemed to think it best we should declare against all. He said this would be viewed as so equal that no rancorous war would be waged by either and peace would be easy at any time. I told him that there were but three alternatives, 1. war, 2. embargo, 3. submission, and that no American would look a moment at the last; he agreed to it.

I told him I thought it possible France might repeal her decrees as to us, yet I did not understand from Mr. Pinckney's communications that England would even then revoke her decree; he declared in the most explicit terms she would. I then explained that the French repeal might only go to the high sea. He observed that he did not know that that could produce a repeal from England, because the exclusion of her merchandise would remain.

I observed to him that I thought England decided on much by misrepresentations and from the errors of strangers who associated with but one party. He cleared himself of that by saying he mixed much with both, and could not be supposed to have any interest but in coming at the truth and communicating it.

I noted to him the conversation of Mr. Canning in the month of June when Mr. P. inferred the orders would be revoked and the month of July when he was totally off. I intimated to him my suspicions that the Halifax expedition was intended to support a hoped insurrection in Boston. He protested at once decidedly against the error of that suspicion,

that his Government could not be so uninformed as to think of countenancing the taking adverse possession of a place they could not hold many days: and that assuredly they had not a single hostile view towards this Country, and that the people of England were equally averse to a rupture with us. He spoke of the situation of Spain and that Bonaparte would soon be ousted there. Lamented the state of the world and I joined him in that and said, that if either Bonaparte or his King were to die we should have peace. He said the Prince of Wales was as much anti-Bonapartian as anybody. That he was persuaded there could be no safety in a peace with him which would let their navy go down and Bonaparte's get up. I observed that went to a principle of eternal war. He said, no; that that danger would be lessened by Bonaparte's death, or by such a spirit of insurrection in the North as had appeared in Spain.

I told him I was going out of the Administration and, therefore, might say to him things which I would not do were I to remain in. I wished to correct an error which I at first thought his Government above being led into from newspapers, but I apprehended they had adopted it, this was the supposed partiality of the Administration and particularly myself in favor of France against England. I observed that when I came into the Administration there was nothing I so much desired as to be on a footing of intimate friendship with England, that

I knew as long as she was our friend no enemy could hurt: that I would have sacrificed much to have effected it and, therefore, wished Mr. King to have continued there as a favorable instrument. That if there had been an equal disposition on their part I thought it might have been effected; for although the question of impressments was difficult on their side and insuperable with us, yet had that been the sole question, we might have shoved along, in the hope of some compromise; that, indeed, there was a ground of accommodation which his Ministry had on two occasions yielded to for a short time, but retracted; that during the Administration of Mr. Addington and the short one of Mr. Fox, I had hoped such a friendship practicable, but that during all other Administrations I had seen a spirit so adverse to us that I now despaired of any change. That he might judge from the communications now before Congress whether there had been any partiality to France to whom he would see we had never made the proposition to revoke the embargo immediately which we did to England and again that we had remonstrated strongly to them on the style of Mr. Champagny's letter, but had not to England on that of Canning, equally offensive. That the letter of Canning now reading to Congress was written in the high ropes and would be stinging to every American breast.

He admitted Mr. Canning wrote strongly, and spoke strongly, always taking the highest ground.

I told him it was an unhappy talent, that nothing enabled a man to get along in business so well as a smooth temper and smooth style. I observed that if we wished war with England as the Federalists charged us, and I feared his Government might believe, nothing would have been so easy when the Chesapeake was attacked, and when even the Federalists themselves would have concurred, but on the contrary that our endeavors had been to cool down our countrymen and carry it before their Government. He said it would have been very unjust to have made an individual act the ground of war, which his Government might and did disavow. I agreed to that, but added that the same class of men had committed and were in the habit of committing so many atrocious insults on us, that it was impossible not to feel them deeply. That I did not charge his Government with approving all this, because I believed that they could not control them, that the officers were allied to the highest families in the kingdom, were supported by such an aristocracy as that no minister dare move against one, unless he had acted as a coward and then the nation would support the minister in shooting him. He said I was much mistaken in supposing the Government could not control the officers of the navy; that there was such a multitude of applicants to enter the navy as placed the whole very much under the power of the Government, and besides that they had such a number of officers beyond what they could

employ as made it easy for a Minister to leave one unemployed.

I told him in the course of the conversation that this country would never return to an intercourse with England while those orders of council were in force, in some part of it also I told him that Mr. Madison (who it was now pretty well seen would be my successor, to which he assented,) had entertained the same cordial wishes as myself to be on a friendly footing with England.

I committed all this to writing the moment Mr. Erskine left me. I have always expressed the substance and very often the very words and phrases expressed. They were however much more dilated than is here expressed on paper.

CABINET MEETINGS.

December 1st. Present the four Secretaries. The expedition prepared at Halifax, consisting of 4,000 men, is believed to be kept in readiness, in case war is declared by us, or obviously imminent, it is to go off instantly. Abandoning Upper Canada, to us, and take possession of New Orleans, we therefore determine unanimously that all the new recruits from Pennsylvania inclusively Southwardly and Westwardly shall be sent off immediately (being about 2,000 men) those in the Atlantic States by sea, the Western down the Ohio and Mississippi and provisions to be sent down the Mississippi with the men, if the state of the river permits them to go,

besides these there are 1,000 of the old troops which can be rapidly brought to New Orleans; that we may count on 1,000 good militia of Orleans, and 1,000 of Mississippi to be instantly commanded, making a force of 5,000 men. That thirty gunboats shall be immediately sent into Lake Pontchartrain, and we are to ask 3,525 seamen for the next season, to fifteen for seventeen gunboats, and the residue to fill the eleven small vessels we have from the John Adams, now a corvette, down. These eleven small vessels to be sent immediately to the Eastern ports to enforce the embargo. We are to undertake to make the canal at New Orleans, cost it what it will.

February the 1st, 1809. Present all. On the execution of the act for employing an additional Naval force. Agreed. 1. To raise men to man the thirty gunboats to proceed to New Orleans. 2. As many as will man thirty more to be sent to different ports to support the embargo. 3. To man the small vessels below the size of a frigate. 4. To man the Constitution. By the time these are raised we shall know whether the embargo, war, or what else is to be the state of things. The Chesapeake is to proceed instantly to Boston.

February the 25th. Present Secretaries of State, Treasury, Navy and Attorney General. What orders shall be given as to English and Spanish ships attempting to pass New Orleans for Baton Rouge?

Answer, English ships have been hitherto prohibited, that being the highest port of entry. Spanish ships have been permitted to go up, except when having slaves on board.

Let things continue so till Congress rises, when their proceedings will decide what should be done.

Agreed that orders shall be given to the military to remove squatters from the lands of the Chickasaws, Cherokees and Choctaws, except Doublehead's reserve and Wafford's settlement.

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